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Four States' Experience

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16. Abstract <p>This report summarizes a study of zero tolerance drinking driving laws for youth in four states. These laws prohibit driving by persons under 21 at a Blood Alcohol Concentration (BAC) over .00, .01 or .02 (depending on the state) in contrast to the levels set for adults at .08 or .10. The states studied were Florida, Maine, Texas and Oregon. Two of the states, Maine and Oregon, adopted such laws in the early 1980s and modified them in the mid-1990s to make them more stringent. Texas and Florida adopted their zero tolerance laws in the late 1990s.</p> <p>A review of the process of implementing the laws indicates that administrative license suspension for zero tolerance violations can be handled fairly expeditiously through the mechanisms set up for administrative suspensions for adults. Barriers to aggressive enforcement of the law tend to be associated with lack of familiarity with the law which can be overcome through training and word of mouth among law enforcement officers. The laws seem to be most effective in the states which have had such laws for the longer periods of time.</p> <p>Nighttime single vehicle injury crashes were reduced by as much as forty and thirty-six percent in Oregon and Maine about the time the laws were made more stringent to as little as five percent in Florida and not at all in Texas where the laws were more recently adopted and enforcement levels are still on the rise.</p>					
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EXECUTIVE SUMMARY

This report summarizes the results of a project designed to describe and evaluate zero tolerance drinking driving laws for youth in four states. These laws prohibit driving by persons under 21 at a Blood Alcohol Concentration (BAC) over .00, .01, or .02 (depending on the state) in contrast to the levels set for adults at .08 or .10. The states studied were Florida, Maine, Texas and Oregon. Two of the states, Maine and Oregon, adopted such laws in the early 1980s and modified them in the mid-1990s to make them more stringent. Texas and Florida adopted their zero tolerance laws in the late 1990s.

In 1998, more 21 year-olds died in alcohol-related crashes than any other age group. This applies both to drivers and passengers. In addition, some 22% of the 16-20 year old drivers in fatal crashes had a BAC (Blood Alcohol Concentration) of .01 or higher (U.S. Department of Transportation, NHTSA, In Press). Zero tolerance laws are intended to directly address this issue.

The concept of zero tolerance laws for youth is based on the proposition: since it is illegal for persons under 21 to drink (or depending on the state, purchase or possess) beverage alcohol, it should also be illegal for them to drive with any alcohol in their system. Unfortunately, until fairly recently, many states' drinking driving laws failed to acknowledge this, and the "legal limit" remained at .08 or .10 for drivers of all ages.

This study examined issues surrounding how the laws are being implemented in Florida, Maine, Texas, and Oregon and the extent to which implementation of the laws has had an effect on alcohol-related crashes as measured by Nighttime Single Vehicle Injury (NSVI) crashes of youth.

In all of the states studied, the administrative license suspension procedures for zero tolerance violations seemed to be running smoothly. Most states integrated the zero tolerance license suspension process into existing administrative license suspension procedures for the adult DWI offense. Youth seemed to request hearings to contest suspensions and request hardship licenses less often than did adults.

In Florida and Texas, enforcement of the zero tolerance law seems to be gradually rising. In both of those states, efforts were made from the outset to ease the paperwork burden for officers taking zero tolerance enforcement action. This was done to overcome the frequent objection that the paperwork associated with alcohol-related traffic arrests is overly burdensome. However, it may be that the rank and file officer is not aware of how easy the process actually is.

In Maine and Oregon, which have longstanding zero tolerance laws, the volume of enforcement actions for zero tolerance violations approximated the rate for adult DWI. It was observed that a number of zero tolerance violations were at BAC levels above the legal threshold for adults. However, there was no evidence on the basis of volume that zero tolerance violations were being used instead of DWI for youth.

EVALUATION OF ZERO TOLERANCE LAWS FOR YOUTH IN FOUR STATES

The use of passive alcohol sensors (PAS) to assist in detecting zero tolerance violators is not widespread in any of the states we studied and, in fact, were essentially not used at all in two of the states.

Officers indicated that a permissible level of .00 was preferable to .02 in that it sent a clear message to youth that no consumption of alcohol was legally compatible with driving.

In the states which have had longstanding zero tolerance laws, Oregon and Maine, and where police are generally familiar with basic enforcement procedures for the law, recent changes in the law have been associated with further reductions in a proxy of alcohol-related crashes. In Maine, where the permissible BAC level was reduced from .02 to .00, a reduction in nighttime single vehicle injury (NSVI) crashes on the order of 36% was observed. In Oregon, where a change in the age for the .00 limit was made from 18 to 21, a NSVI reduction of 40% was observed.

In the two states where the basic law was more recently adopted, a much smaller reduction was observed in Florida (5%), and no reduction was observed in Texas.

Based on the observations above, we recommend that states:

1. Consider changing their zero tolerance laws where the permissible BAC level is .01 or .02 to .00, in order to send a clearer message to youth.
2. In order to encourage more active enforcement of the law, consider developing and implementing a brief roll call training program for law enforcement officers describing the procedures for enforcing the law and preparing the paperwork.
3. Encourage police officers to look for violations of this law in conjunction with every traffic stop.
4. Consider more widespread use of passive alcohol sensors to assist in detection of violations, where legal.
5. Continue public information directed at youth and adults alike to raise awareness of the need for the law, the provisions of the law and the enforcement of the law.
6. Consider well-publicized special enforcement efforts to enforce zero tolerance laws.

1 - INTRODUCTION

This report summarizes the results of a project that examined the operation and effects of laws in four states. The project was conducted for the National Highway Traffic Safety Administration (NHTSA) under Contract Number DTNH22-97-D-35018, Task Order 1, entitled "Evaluation of the Zero Tolerance Laws for Youth." Specific objectives were:

- to estimate the effect of zero tolerance laws on alcohol-related crashes and fatalities in four states;
- to identify unintended consequences of the new laws including obstacles to their implementation and enforcement; and
- to propose strategies for solving those problems and improving the implementation of the laws.

BACKGROUND

Persons of ages 16-20 years have the highest risk of a being killed in a traffic crash of any age group (U.S. Department of Transportation, NHTSA, 1998). In fact, in 1998, motor vehicle crashes were the leading cause of death for this age group. Additionally, 18-year-olds constituted the single year age group with the highest number of fatalities (U.S. Department of Transportation, NHTSA, In Press). More 21-year-olds died in alcohol-related crashes than any other age group. This applies both to drivers and passengers. In addition, some 22% of the drivers in the 16-20 year old age group's fatal crashes had a BAC (Blood Alcohol Concentration) of .01 or higher. More 18-year-olds died in lower BAC (between .01 and .09) alcohol-related crashes than any other age. In fact, 17-, 18-, 19-, 20-, 21- and 22-year-olds are the top 6 ages of people that die in low BAC crashes. Zero tolerance laws for youth address this problem directly.

The concept of zero tolerance laws for youth is based on the following proposition: since it is illegal for persons under 21 to drink (or depending on the state, purchase or possess) beverage alcohol, it should also be illegal for them to drive with any alcohol in their system. Unfortunately, until fairly recently, many states' drinking driving laws failed to acknowledge this, and the "legal limit" remained at .08 or .10 for drivers of all ages. Now, all states and the District of Columbia have zero tolerance laws.

These new laws differ in the maximum BAC they permit (.00, .01, or .02 BAC), the way they are being implemented, and their impact on enforcement, adjudication and sanctioning. As a result of these variations, differences can be expected in the laws' impact on youthful alcohol-related traffic crashes. This study examined both process and impact issues related to the adoption and implementation of these new laws in the four case-study states.

We note that three prior studies examined the traffic safety impact of zero tolerance laws, and one of these also considered issues related to publicizing the law.

Blomberg (1992) evaluated a Maryland law that prohibited driving by persons under age 21 with a BAC of .02 or more. The evaluation employed an interrupted time series analysis of crashes judged by the investigating officers as involving drinking (Had Been Drinking, HBD) by the target group of drivers. It also developed a public information and education (PI&E) campaign and implemented the campaign in six Maryland counties about a year after the law went into effect. The evaluation considered the impact of two interventions, the law itself and the PI&E program publicizing the law and its sanctions. The study found a statewide reduction in HBD crashes involving under 21 drivers of about 11% associated with the adoption of the law, but found no statewide effect associated with the PI&E campaign. However, a separate analysis of the interventions in just the six counties conducting the PI&E campaign found positive effects for both interventions, 21% for the introduction of the law and a further 30% for the PI&E. These findings were strengthened by survey results regarding the awareness of the law by the target group of drivers.

Hingson, Heeren, and Winter (1994) performed a before-and-after study of 12 states in which such laws became effective during the 1983-1991 period. In their study, the percentage change in nighttime single-vehicle fatal crashes involving the target group in each state was compared with that in another nearby state¹. The effects of enforcement level and PI&E were not considered in the evaluation. The authors found that eight of the twelve law states experienced a positive effect and concluded that "if all states adopted .00 or .02 percent limits for drivers ages 15-20, at least 375 fatal single vehicle crashes at night would be prevented each year."

The third and most recent evaluation was a multi-state impact analysis of zero tolerance laws (Voas, Tippetts, and Fell, 1999). The study involved a regression analysis of data from NHTSA's Fatality Analysis Reporting System (FARS) for the years 1982 - 1997. The measure of effectiveness used in the analysis was the ratio of alcohol-involved target-age drivers in fatal crashes to non-alcohol involved target-age drivers in fatal crashes. Again, the effects of enforcement level and PI&E were not considered in the evaluation. The study found that such laws were associated with a 24% reduction in the proportion of underage drinking drivers in fatal crashes.

¹ One study state was California which had no plausible nearby state for comparison. Texas was used as a comparison state for California.

INTRODUCTION

DEFINITIONS AND TERMS

Certain terms associated with laws, enforcement and sanctioning for zero tolerance and DWI (Driving While Impaired or Intoxicated) violations appear frequently in this report. Several of them are discussed below.

In recent years, many states have adopted laws which allow for the administrative imposition of primarily licensing sanctions for violations of DWI or zero tolerance laws. These administrative sanctions are generally triggered by evidence of a BAC above the legal threshold for the offense or refusal to submit to a chemical test to determine BAC. These *administrative per se* sanctions are typically imposed by the driver licensing authority [Division or Department of Motor Vehicles (DMV)]. First-level appeals of these suspensions are typically heard by hearing officers or administrative law judges. The driving philosophy of these laws is to apply swift and certain sanctions for clear violations of these laws.

In all states, the DWI charge is also prosecuted through the traditional criminal courts. Other sanctions such as fines, jail, community service, treatment and the like may be applied for conviction of the offense. In some states, the zero tolerance violation is treated solely through the administrative process; in others, through both the administrative and criminal systems; and in still others, solely through the criminal system. Thus, the system through which the zero tolerance violation is pursued may be referred to as a *single- or two- (dual) track system* depending on the laws in the state in question.

Preliminary breath testers (PBTs) are small, handheld devices that measure the level of alcohol in the breath when persons blow into a tube attached to the instrument. PBTs are typically used at the roadside rather than in the police station.

Passive alcohol sensors (PAS) are also field instruments designed to detect the presence of alcohol. In this instance, the sensor does not require the active participation of the individual being tested. Often incorporated into a flashlight, they employ a small fan to gather air from in front of the subject's mouth and provide a qualitative measure of the presence of alcohol. Viewed as "an extension of the officer's nose," a positive reading on the PAS would trigger a more thorough investigation by the officer.

An *evidential chemical test* is that test of the subject's breath, blood or urine which is deemed to be of sufficient accuracy to be used as evidence of the offense. In adult DWI cases, the test is generally administered in controlled circumstances in a testing facility. In some states, such tests are required to support zero tolerance violations; in others, PBT results or the officer's testimony to the odor of alcohol are sufficient.

In some states, often termed *one test states*, the DWI law or court rulings specify that a suspected DWI offender be required to submit to only one chemical test. In those states, PBTs are often considered such a test, but not one which is administered in a controlled enough environment to qualify as an evidential test. In those states, PBTs are usually not used because their use would preclude requiring an evidential

test at the arrest facility, because it could be argued that the offender had already submitted to a test.

PROJECT SCOPE AND APPROACH

A list of prospective sites was developed, along with names of contacts and telephone numbers at those sites. Initial telephone calls were made, and general information regarding the project was sent to these contacts. Discussion with these contacts followed, culminating in the selection of sites for case studies.

The project scope called for conducting case studies in four states. It was decided that it would be useful to conduct those studies in two states which had extensive experience with zero tolerance laws and two which had adopted such laws fairly recently, partly in response to a Federal mandate which required that states adopt zero tolerance laws or face the prospect of forfeiture of some Federal funding. Two of the states which have had the law for an extended period of time, Oregon and Maine, were selected because they met that criterion, were willing to be studied, and had pertinent data available. Additionally, they represented differing regions of the country. Similarly, Texas and Florida were selected to represent states that had adopted zero tolerance laws more recently.

Next, project staff visited the four sites and conducted a series of interviews with site contacts to obtain information the implementation and operation of their zero tolerance law. A major focus was on the actual enforcement of the law. Discussions were held with law enforcement officers about their real world experience implementing the law. It was not possible to talk with a representative sample of law enforcement officers in each state, but an effort was made to have discussions with officers from a variety of types of agencies such as state police or highway patrols and city and county law enforcement agencies.

The last step was to analyze the data to determine the public's perceptions and awareness of the law and to estimate the impact of the law on crashes involving the target group of underage drivers. In two of the states, Maine and Oregon, certain components of the law have been in effect since the early 1980s. Reliable statewide crash data were not available to evaluate the initial effect of these laws. However, each of these states have made more recent changes to their zero tolerance laws whose effects we were able to examine using crash data. These analyses were supplemented by a summary of each jurisdiction's law and the jurisdiction's experiences in implementing the law.

Thus, The basic approach in the evaluation is two-part. The first, was to examine the operational process by which the law is administered in each state. This was accomplished through interviews with administrators and enforcement personnel. Another component of the process evaluation is to examine the administration of the law, as in stops made and licenses suspended. The second part of the evaluation, is an assessment of the effect of the law on a measure of alcohol-related crashes within the potentially affected age groups. This impact analysis used statewide crash data

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provide by the custodians of such data in each state. The measure of youth-involved alcohol-related crashes used was the number of drivers under the age of 21 years involved in nighttime, single-vehicle injury crashes (NSVI). NSVI is a measure which is frequently used to assess measures intended to effect alcohol-related crashes. It is used because the officer's report of alcohol-involvement, as recorded on crash reports, reflects his or her subjective assessment of whether alcohol is involved and is inconsistently reported. On the other hand, time of day, number of vehicles and presence of injury are more objectively determined and consistently reported. NSVI crashes are known to have a relatively high alcohol-involvement and are thus considered a good proxy of alcohol-involved crashes. Setting the severity threshold at injury rather than fatal affords greater numbers of crashes to examine increasing the sensitivity of the analysis and thus increasing the ability to detect changes when present. As a comparison, we examined the number of drivers under the age of 21 years involved in daytime, multi-vehicle injury crashes (DMVI). Two different time series were analyzed, the ratio NSVI / DMVI, and NSVI alone with DMVI as an explanatory series.

The time series analysis used the ARIMA analysis method developed by Box and Jenkins in the 1970s, and incorporated in the SAS[®] statistical package as PROC ARIMA. A step-function intervention was used in the analysis.

ORGANIZATION OF THE REPORT

A separate chapter is provided for each case study as follows:

- Chapter 2 - Florida
- Chapter 3 - Maine
- Chapter 4 - Oregon
- Chapter 5 - Texas

Each of these four case study chapters contains a description of the pertinent zero tolerance law, the agencies charged with enforcing that law, and our assessment of the impact of the law on traffic crashes involving the target age group. Following is a chapter synthesizing the case-study findings (Chapter 6). The project's conclusions and recommendations are presented in Chapter 7, and a bibliography of references is contained in Chapter 8.

2 - FLORIDA

SITE DESCRIPTION

Florida is a predominately urban state (85%) with a population of 14.4 million. The state has an unemployment rate of 3.9% and a median family income of \$32,212. Twenty-seven percent of the population is under the age of 21, and 18% is over the age of 65. In 1996, Florida had 11.4 million licensed drivers, 10.9 million registered vehicles, and about 138 billion annual vehicle miles of travel.

DWI Enforcement System

Laws. Florida's Zero Tolerance, or .02, law was passed during the 1996 legislative session and took effect January 1, 1997. The Zero Tolerance law provides for an administrative suspension of the driving privilege of any driver under the age of 21 who is found to have a blood or breath alcohol concentration (BAC) of .02 or greater. Florida also has an administrative per se DUI law which makes it an offense for any driver, regardless of age, to drive with a BAC of .08 or above.

In July 1996, Florida implemented a graduated licensing law which contained curfew provisions which restricted teenage driving at night. This is a period when alcohol-related crashes are most likely to occur. Thus, this change also may have effected alcohol-related crashes. All drivers 15 to 17 years old must hold a learner's license for at least six months before they may apply for a driver's license. During the learner's permit phase, drivers must have a licensed driver over 21 years old in the front passenger seat. They may only drive between the hours of 6 a.m. and 7 p.m. for the first three months and from 6 a.m. to 10 p.m. subsequent to those first three months. After receiving a license, 16 year olds may not drive between 11 p.m. and 6 a.m. unless they have a licensed driver 21 or older in the front passenger seat or are driving to or from work. For 17 year old drivers, the restricted hours are from 1 a.m. to 5 a.m.

Enforcement. Florida's zero tolerance law is a purely administrative law where the full enforcement action can, in most cases, be implemented at the scene of the traffic stop. The basic procedures are described below.

A lawful contact must be made with the underage driver before checking for a zero tolerance violation. This may be triggered by a traffic stop related to a violation of law, contact at a sobriety checkpoint, contact at a crash site or a consensual encounter with a driver under 21.

Standard procedure calls for ruling out the .08 DUI offense before taking action on the zero tolerance offense. After interviewing the driver and checking the license and age, if the presence of alcohol is suspected, this generally involves administering the Standardized Field Sobriety Tests (SFST). In Florida, the horizontal gaze

nystagmus portion of the SFST battery is generally not admissible in court . Though it is often administered in the field, officers must rely on the one leg stand, walk and turn and other observations in testifying to probable cause to make a DUI (.08) arrest.

After probable cause to make the DUI arrest is ruled out (that is, the officer feels that the person is unlikely to have a BAC of .08 or above), if the driver is under 21 and there are indications that the driver has been drinking, the officer determines whether a zero tolerance violation has occurred. This is generally accomplished by determining the breath alcohol concentration with a Preliminary Breath Test (PBT) device. An officer equipped with and trained on the PBT may administer the test. Otherwise, he or she must request the assistance of a trained PBT officer. (In the absence of a PBT device, the officer may transport the driver to a breath testing facility.) This is done after the officer has observed the individual for at least fifteen minutes. The fifteen minute period is provided to allow for any alcohol which may be in the mouth from recent consumption to clear, and to insure that nothing new is introduced into the mouth. This precludes incorrectly high readings.

If two breath samples yield BACs of .02 or higher, the officer takes the driver's license and issues a suspension using a multi-part form provided by the Department of Highway Safety and Motor Vehicles. The form serves as a ten day temporary license during which time the driver may request a hearing. If the driver refuses to give a breath sample the same form provides for imposing an implied consent refusal suspension. A copy of this form appears in the Appendix. Since the officer initially rules out probable cause for the .08 DUI offense, even if the BAC level is above .08, only a zero tolerance suspension is issued.

If the driver is 18-20 and there is no arrest for another violation, the driver is released and advised not to drive. Typically the officer will assist in calling a cab or other ride or allow a non-drinking, licensed passenger to drive the vehicle. If the driver is under 18, the parents or guardian are notified and asked to come get the driver or the driver is taken to a juvenile assessment center.

The officer or enforcement agency then forwards the suspension forms to the nearest regional office of the Department of Motor Vehicles and Highway Safety where they are processed and appropriate entries are made on the offender's driver's license record.

Adjudication. Florida's zero tolerance law is implemented administratively. The officer issues the suspension notice at the time of the stop. It essentially provides a 10 day temporary license during which time the offender may request a hearing. If a hearing is not requested, the suspension is sustained.

Two types of reviews may be requested. One is called an informal review where a hearing officer is requested to review the paperwork and insure there are no errors which would invalidate the suspension. A formal review hearing may involve subpoenaing witnesses such as the law enforcement officer and the offender may be represented by counsel. Both categories of reviews are conducted by hearing officers of the Department of Highway Safety and Motor Vehicles.

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The principal elements of the review are, was it a lawful stop, was it determined that the driver was under 21, was the BAC at .02 or above, or was the driver read the implied consent warning and refuse the test, and was the officer aware of agency policy regarding maintenance and care of PBTs?

Adverse findings from the reviews may be appealed to a circuit court, but the scope of the appeal is very narrow and appeals are very rare.

Sanctioning. The sanctions for the zero tolerance offense are administratively imposed license suspensions. First offenders receive a six month suspension. They may apply for a hardship license to go to school or work after 30 days. Second and subsequent offenders receive one year suspensions and may also apply for a hardship license after 30 days.

Persons who refuse to submit to a chemical test receive a one year license suspension. Subsequent refusals carry an 18 month license suspension. In both instances one may apply for a hardship license after 30 days.

EVALUATION

Approach

The basic approach in this evaluation is two-part. The first, is to examine the operational process by which the law is administered. This is accomplished through interviews with administrators and enforcement personnel. Another component of the process evaluation is to examine the administration of the law, as in stops made and licenses suspended. The second part of the evaluation, is an assessment of the effect of the law on a measure of alcohol-related crashes within the potentially affected age groups.

Operations

Enforcement. During site visits to Florida, discussions were conducted with law enforcement officers from seven agencies to gain a better understanding of how the .02 law for persons under the age of 21 is functioning in Florida from an enforcement standpoint. These discussions were held over a period of two years and revealed an evolution of sorts in understanding and implementation of the law.

Initially, from an enforcement standpoint, there were two major issues cited as impediments to implementation of this law. First, there was a concern about mixing juveniles with adult criminals in the initial testing and processing of persons who have been cited. This in turn raised two issues. How are they to be tested and once tested where are they to be held until they may be released to their parents. The second major concern was a technical one about the law where some officers understood the offense as constituting having a BAC only between .02 and .08 and problems that creates in the context of the regular DUI law.

The solution adopted in Florida on the testing issue has been to use Preliminary Breath Test (PBT) devices for the implementation of this law. Thus, officers or their colleagues may test individuals in an area away from the evidential breath test device which is typically housed in the jail, where adult criminals may also be present. The second sub-issue is where to hold those who test positive while awaiting a responsible adult to whom they may be released. This is an issue with subjects under 18, a relatively rare occurrence. Transporting them to a juvenile detention facility creates a logistical issue which may be a disincentive to arresting officers. Additionally, some local juvenile detention facilities do not accept persons with alcohol on board. In the smaller agencies, compliant offenders are asked to wait in the police department reception area until their parents arrive. More unruly ones are in essence babysat by the arresting officer. In the larger agencies, because the reception area is often busier, the officer generally stays with the offender until turned over to a responsible adult. Though this wait is often very brief, the perception of many potential arresting officers is that they may be tied up for a long time. Thus, this may serve as a major disincentive to writing the citation in the first place. Consequently there is a good deal of variation in the intensity of enforcement across jurisdictions.

The second major issue with the law in Florida is that as the law is written, technically, the violation for second and subsequent offenders is solely for having a BAC between .02 and .08. According to the officers we initially interviewed, in Florida only one test is permitted and the PBT is considered a test. However, it is not considered as evidential quality for the purposes of proving a full blown DUI offense of operating a motor vehicle with a BAC of .08 or above. These officers thought that the issue of the violation being restricted to the BAC range of .02 to .08 applied to all offenders, both first and subsequent. Thus, technically, in their minds an underage person who was stopped for the zero tolerance violation, submitted to a PBT, and blew .08 or above was not guilty of the zero tolerance violation because his or her BAC was not between .02 and .08. Additionally, because the subject had already submitted to a test, another evidential quality breath test could not be administered and the argument for the DUI case was weakened.

There was variation between law enforcement agencies in the extent to which these technical issues effected enforcement of the law. Most who were aware of the .02 to .08 issue thought that it applied to first offenders as well and saw it as a potential problem. Some saw it as a technicality and enforced the law nonetheless. Since it is a technicality, and it does only apply to second and subsequent offenders (which are rare for this offense) it has little practical impact in the suspension process. However, the extent to which it creates the impression of a problem among law enforcement officers can act as a disincentive to enforcing the law.

Similarly, issues of dealing with minors (persons under 18) can act as disincentives. However, as a practical matter, the majority of offenders identified are 18 or over and can be processed fairly expeditiously. Thus, this is more a perceived problem than an actual one.

FLORIDA

The Department of Transportation Safety Office was aware of these issues and implemented three initiatives to address the problem. One was to develop and promulgate, through the Florida Technical Advisory Committee on DUI Enforcement and Prosecution, guidelines for the enforcement of the zero tolerance law. These guidelines are reflected in the enforcement procedures description above and are now generally reflected in the operations and procedures manuals of law enforcement agencies statewide. These guidelines provide that the officer is to rule out probable cause for the .08 offense before proceeding with zero tolerance procedures. Thus, the perceived problem of persons who are at or above .08 avoiding sanctions should no longer be an issue.

Another measure taken was to purchase PBTs and distribute them throughout the State for use in zero tolerance enforcement. To date, approximately 1,000 have been purchased and distributed.

The third step was to fund the Institute of Police Technology and Management to conduct a series of 11 workshops around the State of Florida to distribute PBTs and conduct training on the proper use of PBTs and enforcement of the zero tolerance law. This has served to remove many of the misunderstandings about the enforcement of the law. Attempts continue to revise the statute to remove the technical error which applies to the BAC level for second and subsequent offenders.

However, there is little evidence that the law is yet being aggressively enforced in Florida. In 1997, the first year the law was in effect, there were 537 suspensions issued for the zero tolerance violation. In 1997, there were 810,612 licensed drivers under 21. Thus, the zero tolerance arrest rate was .07 percent of the licensed drivers in that age group. Additionally, 2,105 persons under 21 were convicted of DUI (e.g., .08 or above). Thus, the combined alcohol-related offense rate for this group was .32 percent. This compares with an overall alcohol violation suspension rate of .45 percent for all ages and a national DUI arrest rate of .82 (C. Peltier, Personal Communication, December 7, 1999). One might hope that the alcohol-related violation rate for persons under 21 would be lower than that of adults since it is illegal for them to drink in the first place. However, the threshold of the offense is lower (.02) and the theory is that active enforcement of the law should discourage drinking and drinking driving behavior among youth. Thus, one might hope that, at least initially, the volume for youth would approach that for adults. The volume of zero tolerance arrests has increased each year while the youth DUI conviction rate has remained fairly stable. This indicates a gradual improvement in the level of enforcement of the law. However, the rate remains quite low.

We queried both law enforcement officers and administrators about the use of passive alcohol sensors to assist in the enforcement of the law. They are not used in this context in Florida and it is not likely that they will be introduced soon. It is felt that it was an accomplishment to gain acceptance of PBTs as evidence of the .02 violation and that it was unlikely that passive alcohol sensors would be well received by either the defense bar or the legislature.

Though data were not available on the BAC levels of persons receiving zero tolerance suspension, we did have an opportunity to review some suspension forms. The majority we observed were above the .08 level. We queried officers about this issue because it is possible that officers are choosing to charge youth they suspect of the .08 offense with the zero tolerance violation because the paperwork and other procedures are simpler. They reported that that is not the case. They said that they rule out probable cause for the .08 offense before issuing the zero tolerance suspension. The officers felt that these younger subjects were better able to perform the SFST than older adults and that that was why they were not being charged with the .08 offense. This speaks not only of the difficulty of making the zero tolerance versus DUI decision but also to the difficulty in identifying drivers at low BACs.

Table 2-1: Volume of License Suspensions Imposed Under Florida's Zero Tolerance Law, 1997 - 1999

Year	Zero Tolerance Suspensions / Rate	Under 21 DUI (.08) Conviction Suspensions	Under 21 Overall Suspension Rate	All Ages Alcohol Related Suspensions	All Ages Alcohol Related Suspension Rate
1997	537/.0007	2,105	.0033	57,459	.0045
1998	939/.0012	2,249	.0039	56,745	.0045
1999	1438/N/A	N/A	N/A	58,982	N/A

Adjudication and Sanctioning. The figures in **Table 2-1** indicate the volume of license suspensions imposed for the zero tolerance offense in each year.

Hearings of three different types may be requested: informal ones for a review of the paperwork, formal ones with witnesses subpoenaed, and hearings to request hardship licenses. **Table 2-2** reflects the hearing request volume and rate for the first two years the law was in effect.

Table 2-2: Hearing Request Volume and Rate in Florida, 1997 and 1998

Year	Formal/Rate	Informal/Rate	Hardship/Rate
1997	53/.098	33/.062	137/.255
1998	87/.093	53/.056	324/.345

The hearing request rate, of about 15%, to contest zero tolerance suspensions compares favorably to the adult suspension hearing request rate of nearly 30%. We are told that approximately one-third of the formal reviews result in the suspensions being rescinded and about one-third of the informal reviews have that result. The most common problems are the officer failing to appear, failure to indicate in the probable cause statement how the driver age was determined, and failure to enunciate the departmental policy on maintenance and use of PBTs.

Public Awareness. No public awareness survey results were available, but it is fair to say that most persons covered by the law should be aware of its existence and provisions. Besides traditional public service advertisement efforts, which were done using television and radio, specific efforts are made to directly reach the target audience through at least two other mechanisms. A brief informational leaflet describing the provisions of law (See Appendix) is given to each applicant for a learner's permit. At the time of licensure, it is provided to the person again. Additionally, a parent or guardian is to accompany youth when they receive their initial license. A copy of the leaflet is given to the parent or guardian as well at that time.

Florida also has a requirement that each new licensee either attend a four hour Drug Alcohol Education (DATE) course or receive formal driver's education before licensure. The vast majority attend the DATE course, which specifically addresses the zero tolerance law. Driver's education is also required to cover the law as part of the curriculum.

To date, millions of the leaflets have been distributed and hundreds of thousands of teenagers have attended either the DATE course or driver's education.

Impact

The impact analysis used crash data for the years January 1993 through May 1998. The data were provided by the Florida Department of Highway Safety and Motor Vehicles. As with the other states studied in this project, the measure of youth-involved alcohol-related crashes was the number of drivers under the age of 21 years involved in nighttime, single-vehicle injury crashes (NSVI). NSVI is a measure which is frequently used as a proxy measure to assess measures intended to effect alcohol-related crashes. It is used because the officer's report of alcohol-involvement, as recorded on crash reports, reflects his or her subjective assessment of whether alcohol is involved and is inconsistently reported. On the other hand, time of day, number of vehicles and presence of injury are more objectively determined and consistently reported. NSVI crashes are known to have a relatively high alcohol-involvement rate and are thus considered a good proxy of alcohol-involved crashes. Setting the severity threshold at injury rather than at fatal affords a greater number of crashes to examine increasing the sensitivity of the analysis and thus increasing the ability to detect changes when present. As a comparison, we

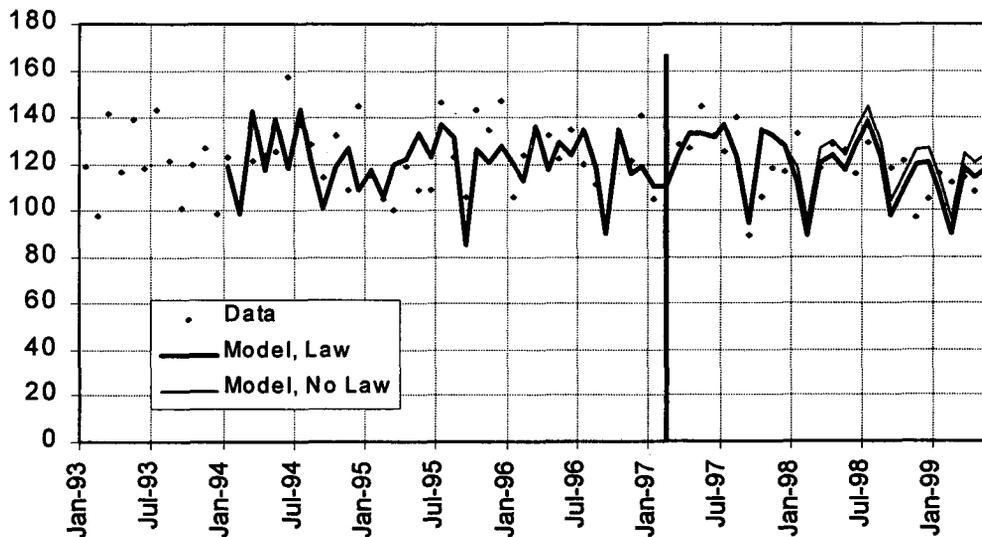
examined the number of drivers under the age of 21 years involved in daytime, multi-vehicle injury crashes (DMVI). Two different time series were analyzed, the ratio NSVI / DMVI, and NSVI alone with DMVI as an explanatory series.

The time series analysis used the ARIMA analysis method developed by Box and Jenkins in the 1970s, and incorporated in the SAS® statistical package as PROC ARIMA. A step-function intervention was used in the analysis.

The analysis showed that DMVI was not a good explanatory series for NSVI, and it was dropped from the analysis, along with the ratio NSVI / DMVI.

Figure 2-1 shows the results for the NSVI series. In 1998, there were 1,407 NSVI crashes involving drivers under the age of 21. Examination of the series reveals a small, marginally significant reduction (5%, six crashes per month, $t=-2.04$) occurred for an intervention starting about a year after the effective date of the law, suggesting that a positive effect was beginning to be realized at that time. It is not unusual to observe an effect at a point in time different from the actual effective date of a legal change. It is hypothesized that this sometimes is because the issue is often in the public eye as legislation is discussed and enacted, and some may even think it is in effect at that time. Conversely, the effect may lag because of lack of public awareness until public information and enforcement efforts have had a chance to bring it to the public's attention. This seems to be the case in this instance. However, one should also recognize that this effect may not be due solely to the zero tolerance law. In mid-1996, components of Florida's graduated licensing law went into effect which imposed nighttime driving curfews of 16 and 17 year old drivers. This also may have had an effect on alcohol-related crashes among this age group.

Figure 2-1: Young Drivers in Nighttime Single-Vehicle Injury Crashes, Florida 1993 - 1998



SUMMARY AND CONCLUSIONS

Florida's zero tolerance law went into effect in January 1997. The law created an administrative per se offense for drivers under 21 with BACs of .02 or above. When this offense is detected, a formal arrest is not required. The officer fills out a single multi-part form which includes information about probable cause for the stop and informs the driver of the suspension. Preliminary breath testers may be used at the scene of the stop to develop the evidence of the BAC level.

Even though the law is structured to be fairly easy for law enforcement officers to implement, the arrest rate for this offense was initially quite low. This may be partly due to an initial shortage of PBTs for evidence gathering. It may also be due to law enforcement officers' misunderstanding of the magnitude of a technical error in the drafting of the law.

Subsequently, more PBTs have been put in the field and training continues for law enforcement officers. The technical error in the law, which applies only to multiple offenders, remains. However, law enforcement are being educated about the limited nature of its effect.

More arrests and suspensions are taking place each year. However, the suspension rate still remains relatively low.

Public information and education efforts have been put into place which present information about the law to every newly licensed youthful driver and his or her parent or guardian.

Examination of crash data reveals a gradually increasing effect on nighttime single vehicle injury crashes which is now a 5% reduction. This reduction is statistically significant, but is below what has been observed in some other states and is likely to be at least partly attributable to nighttime curfews imposed by Florida's graduated licensing law.

Florida policymakers should consider continuing their public information efforts as well as expanding their efforts to equip and educate law enforcement officers about implementing the law in an effort to continue the improvements observed thus far.

EVALUATION OF ZERO TOLERANCE LAWS FOR YOUTH IN FOUR STATES

3 - MAINE

SITE DESCRIPTION

Maine is a largely rural state (55%) with the majority of its 1.2 million residents located in the southeastern corner of the State. About 27% of the population is under the age of 21. Though the unemployment rate is low (3.9%), the median family income (\$32,422) is still somewhat lower than the national average. In 1996, Maine had 874,000 licensed drivers, 959,000 registered vehicles, and about 10 billion annual vehicle miles of travel.

Maine has been a national leader in adopting innovative DUI license suspension laws. For example, Maine was one of the first states to adopt administrative per se license suspension for the OUI (Operating Under the Influence) offense, instituting the law on January 1, 1984 for drivers with BACs of .10 and above. The level was subsequently revised to BACs of .08 and above effective August 4, 1988. Additionally, Maine's OUI law now calls for zero tolerance for one year after license reinstatement for adult first-time OUI offenders and for 10 years for multiple offenders.

As indicated below, Maine was also one of the first states to adopt zero tolerance for youth.

DWI Enforcement System

Laws. Maine has had a long history of laws prohibiting the operation of motor vehicles by under-age persons with low levels of alcohol. Effective June 23, 1983, it became an offense for persons under 20 to drive with BACs of .02 and above. Effective July 1, 1985, that limit was revised to persons under age 21. (This revision paralleled changes in the legal minimum drinking age which was initially raised from 18 to 20 on October 24, 1977 and then raised to 21 on July 1, 1985.) Effective September 29, 1995, the limit was set at .00 for persons under 21. The law was enacted in April 1995 and calls for an administrative suspension of the license and it does not have a criminal track. Sanctions for first and subsequent offenses are discussed under the sanctioning section, below.

Enforcement. Enforcement of Maine's zero tolerance law is usually triggered by a traffic stop for some other violation or a traditional DWI detection cue. If the driver is under 21 and the officer suspects alcohol may be present in the driver, the Standardized Field Sobriety Tests (SFST) are generally performed. At the time of the stop, unless the officer suspects that the BAC level may be at .08 or above, the driver is technically not placed under arrest but rather is taken to the nearest testing facility for administration of an evidentiary breath test. Maine does not have a law

specifically providing for preliminary breath tests (PBTs). In fact, several years ago, approximately 150 were purchased and put into service. However, unfavorable court rulings have caused them to essentially be removed from service for OUI enforcement purposes. It is felt by the Maine highway safety community that legislative changes would be needed to use either PBTs or passive alcohol sensors. They feel that obtaining such changes would be difficult and there are no current plans to pursue this issue. Officers are equipped with balloon breath sample collection devices which they carry in their cars and they use them if the stop takes place in a rural area where testing facilities are too remote. Those samples are then sent to a state laboratory for analysis and the results may be used as evidence in OUI cases. In some injury crash cases, blood samples are obtained at a hospital for later analysis.

Based on the result of the alcohol test, the officer fills out the "Law Officer's Report to the Secretary of State" (See Appendix) which has check boxes for various alcohol-related driving offenses. The officer checks all boxes that apply. In the case of a zero tolerance violation, there is a block for "ANY ALC MINOR." There is also a block to be checked if there was a passenger under the age of 21. Minors who test at or above .08 also may have the "BAC .08" block checked. The Bureau of Motor Vehicles (BMV) encourages checking both the "BAC .08" and "ANY ALC MINOR" blocks in cases over .07. In those instances they may well impose the administrative license suspension associated with the zero tolerance violation because it is more severe (one year) than that imposed for first offense .08 violation (90 days).

There is an area on the form where the officer may provide a statement of probable cause. In general practice, however, a copy of a standard police incident report is attached in its place.

A copy of the breath test result is attached to this form and forwarded to the BMV for administrative action. The paperwork is to be forwarded to the BMV within 72 hours of when test results are available.

Zero tolerance violators are technically not under arrest since they are being cited for an essentially administrative violation. This simplifies some of the custody issues relating to juveniles. Maine law enforcement officers reported little difficulty in this regard. If the offender is under 18 they typically notify parents or guardians. If the driver is not visibly impaired (generally BAC <.05), he or she may be released to a responsible adult or allowed to seek alternative transportation home. If, in the judgement of the officer, they are impaired, they typically are turned over to a parent or guardian. Those over 18 are much less likely to have their parents notified. Vehicles are generally not towed but rather secured at the site of the stop to be picked up later.

Since zero tolerance violations are handled administratively, the actions described above typically conclude the law enforcement officer's involvement. The offender may request a hearing by a BMV Hearings Examiner. Hearing procedures are discussed in the following section.

Adjudication. Disposition of zero tolerance cases are handled entirely through administrative processes. The arresting officer forwards paperwork documenting the facts of the arrest and the BAC test result to the BMV within 72 hours of the arrest. The basic paperwork consists of an Law Enforcement Officer's Report to the Secretary of State (See Appendix) which indicates the offense(s) involved and a copy of the breath test results. (In the instance of a blood test or balloon breath test, those results are forwarded when available.)

These forms are reviewed and, in order, a notice of suspension is mailed to the violator with an suspension date ten days from the mailing date. The suspension then takes effect unless the violator files notice of a request for hearing. If a hearing is requested, the suspension is stayed and a hearing is conducted within thirty days. The State of Maine employs four hearing examiners, each of whom conducts hearings within one of four regions of the state at 10-12 locations. The hearings are conducted in the region where the violation took place. Usually the arresting officer is present, and in unusual instances, a breath test technician or an accident investigator will also attend. The hearing is confined to three basic elements: was the individual the driver of the motor vehicle, was individual under 21, and did he or she have any alcohol in their system? If the hearing officer determines that those are the facts, the license suspension is usually instituted at midnight of that day.

Sanctioning. The license sanction for first offenders is a one year license suspension. First offenders who submitted to a chemical test may immediately apply for a limited driving permit to attend school and work. If appropriate documentation of need is provided, these limited privileges are generally granted. BMV reports that approximately 25% of those eligible request and receive a limited driving privilege. Additionally, those offenders who successfully attend an alcohol education program tailored to underage drinkers and administered by the Office of Substance Abuse may petition for a full reinstatement of their license after six months.

First offenders who refuse the chemical test receive an 18 month suspension and are not eligible for a limited privilege or early reinstatement.

Second and subsequent offenders receive a two year license suspension (refusers 30 months) and are not eligible for limited driving privileges or early reinstatement.

Additionally, offenders who had passengers in the vehicle who were under 21 receive an additional 275 days suspension.

EVALUATION

Approach

The basic approach in this evaluation is two-part. The first, is to examine the operational process by which the law is administered. This is accomplished through interviews with administrators and enforcement personnel. Another component of the process evaluation is to examine the administration of the law, as in stops made and

licenses suspended. The second part of the evaluation, is an assessment of the effect of the law on a measure of alcohol-related crashes within the potentially affected age groups.

Operations

Enforcement. With most of the population located in the more urban areas of the southeastern part of the state, citations for Operating Under the Influence (OUI) and Zero Tolerance violations are most frequently written by city and town law enforcement officers. In 1998, of the 10,690 such arrests, 1,850 were made by State Police, while 7,630 were by local and 1,210 were by county law enforcement officers. The basic enforcement procedures are described above. Discussions with law enforcement officers in several agencies revealed enthusiastic support for the law. Discussions were held with officers representing four police agencies including state police and municipal police departments. In particular, they felt that after the level was changed from .02 to zero the law became particularly effective. Several officers voiced the opinion that when the level was .02, many young persons felt that meant they could drink moderately and still legally drive, but that since the law was changed to provide for no permissible level of alcohol for drivers under 21, there were virtually no misconceptions in that regard.

Universally, the law enforcement officers felt that the law was a good one and one that was easy to implement from their perspective. They liked that the law was administrative rather than criminal in nature and felt that, particularly with minors, that distinction made it much easier to implement.

They did not find the hearing requirement burdensome and some actually mentioned that the hearings were a good non-threatening environment to practice giving testimony about impaired driving cases. None complained that hearings were either too frequent or too time consuming.

Since the sanctions are imposed administratively and because the BMV has maintained records of actions taken, a measure of enforcement activity may be taken directly from the BMV tabulations which appear below.

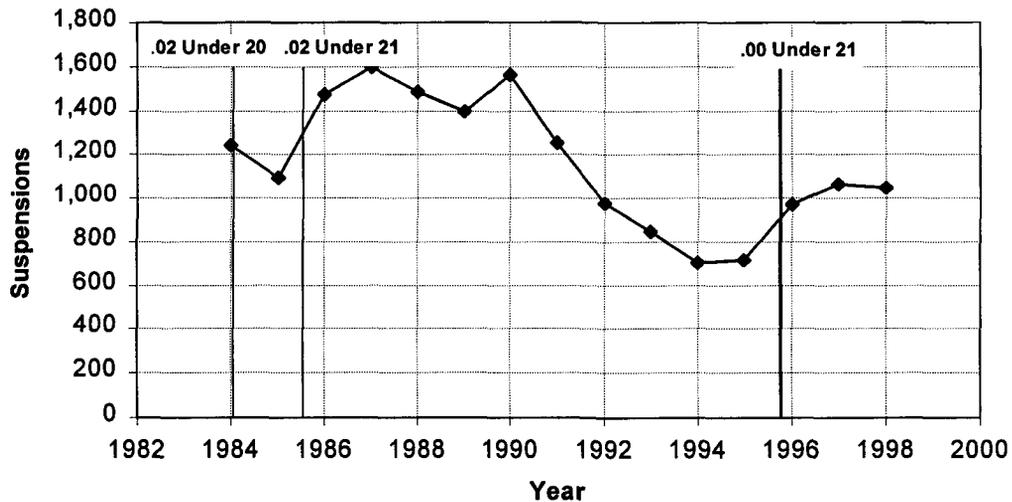
Adjudication and Sanctioning. As indicated earlier, the adjudication and sanctioning under the Maine Zero Tolerance law is strictly administrative since it is not a criminal offense. During 1998, police requested 1,690 alcohol tests of drivers under 21. Those tests resulted in 799 results under .08, 845 at or above .08 and 46 refusals. The refusal rate was thus 2.7% for persons under 21. This contrasts with an overall refusal rate of 11.6% for drivers ages 21 and above. In 1998 the BMV issued 1,049 license suspensions under the zero tolerance law. As indicated earlier, zero tolerance suspensions may be imposed for BACs above .08 as well as below. Those suspensions resulted in 306 hearing requests, 199 of which resulted in dispositions. The remaining 107 were continued to a later date. Thus, 743, or 71% of the offenders accepted their suspensions immediately.

Of the 199 hearings requests which were resolved, there were 81 which were conducted and resulted in a finding of fact. In 76 of those cases the suspension was upheld by the examiner. In the remaining 5 cases the examiners rescinded the suspension. Thus, the conviction rate for hearings where evidence was heard was 94%. Another 41 suspensions were rescinded because the officer was notified and failed to appear. This comprises approximately 21% of the 199 scheduled hearings. In the remaining 77 cases, the offender either withdrew the petition (58) or failed to appear (19). Since in 58 of the cases the hearing request was withdrawn before hand, hearings officers only had to convene 141 hearings or 13.4% of suspensions imposed.

Thus, in 1998, 1,049 suspensions were initially imposed of which 46 were rescinded as a consequence of a hearing request, only 5 of which occurred after a finding of fact from the Hearing Officer. The remaining 41 were rescinded because the arresting officer failed to appear at the hearing. Overall, 96% of the suspensions initially imposed were carried out. This pattern is typical of that in earlier years.

Figure 3-1 presents the number of suspensions per year imposed under Maine's zero tolerance law from 1984 through 1998.

Figure 3-1: Zero Tolerance License Suspensions in Maine, 1984 - 1998



In 1998, there were 60,004 licensed drivers in Maine under the age of 21. Thus the 1,049 suspensions issued represent a suspension/arrest rate of approximately 1.75%. This rate compares favorably with the national DWI arrest rate of 0.82% and indicates that Maine's zero tolerance law is being actively enforced.

Public Awareness. Recent public information activities in the area of the zero tolerance law focused primarily on raising awareness of the change from a permissible level from .02 to .00 which took effect September 29, 1995. The Bureau

of Highway Safety published and distributed several print pieces with the theme lines *Zip, Zero, Zilch* and *You drink and drive, you lose*. These materials were intended to communicate to persons under 21 that it was not only illegal to purchase alcohol, but that driving with any alcohol in your system was also illegal.

Approximately 50,000 pieces were printed and distributed, largely through the school system. They have not mounted an additional campaign since that one which took place in late 1995 and 1996.

Provisions of the law are also covered in the Motorist Handbook and Study Guide.

The Bureau of Highway Safety has not conducted any awareness surveys on this issue but is confident that the under 21 age group is now well aware of the law. This is confirmed by the observations of law enforcement officers who reported that youth seemed to be somewhat confused by the earlier provisions of the law which allowed BACs below .02, but that youth they now come in contact with all seem to know that they cannot drive with any alcohol in their system.

Impact

Crash data from 1985 through 1996 were available for the analysis of zero tolerance law impact. The data were provided by the U.S. Federal Highway Administration (FHWA) Highway Safety Information System (HSIS). As indicated on page 17, only the law revision reducing the BAC threshold from .02 to .00 became effective during that period, on September 29, 1995 to be exact. The measure of youth-involved alcohol-related crashes examined was the number of drivers under the age of 21 years involved in nighttime, single-vehicle injury crashes (NSVI). Also, as a comparison, we examined the number of drivers under the age of 21 years involved in daytime, multi-vehicle injury crashes (DMVI). Two different time series were analyzed, the ratio NSVI / DMVI, and NSVI alone with DMVI as an explanatory series.

The time series analysis used the ARIMA analysis method developed by Box and Jenkins in the 1970s, and incorporated in the SAS[®] statistical package as PROC ARIMA. A step-function intervention was used in the analysis.

Figure 3-2 and **Figure 3-3** show the results for ratio time series and the NSVI series, respectively. In 1996, there were 352 NSVI crashes involving drivers under the age of 21. Note that the effect of the intervention is seen starting in January 1995, about three months before the actual enactment of the law revision in April 1995. This is considered by site contacts as plausible, since extensive publicity about the legislative debate and the forthcoming law change began in December 1994 and continued on through enactment and implementation of the law. A similar pattern was observed for when the .08 administrative per se law was enacted.

Figure 3-2: Ratio of Young Drivers in Nighttime Single-Vehicle Injury Crashes to Young Drivers in Daytime Multi-Vehicle Injury Crashes, Maine 1985 - 1996

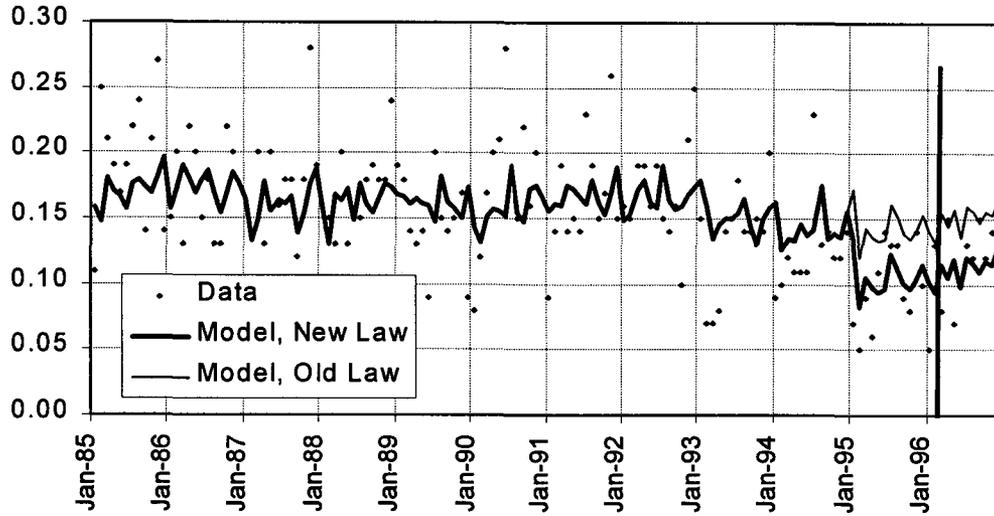
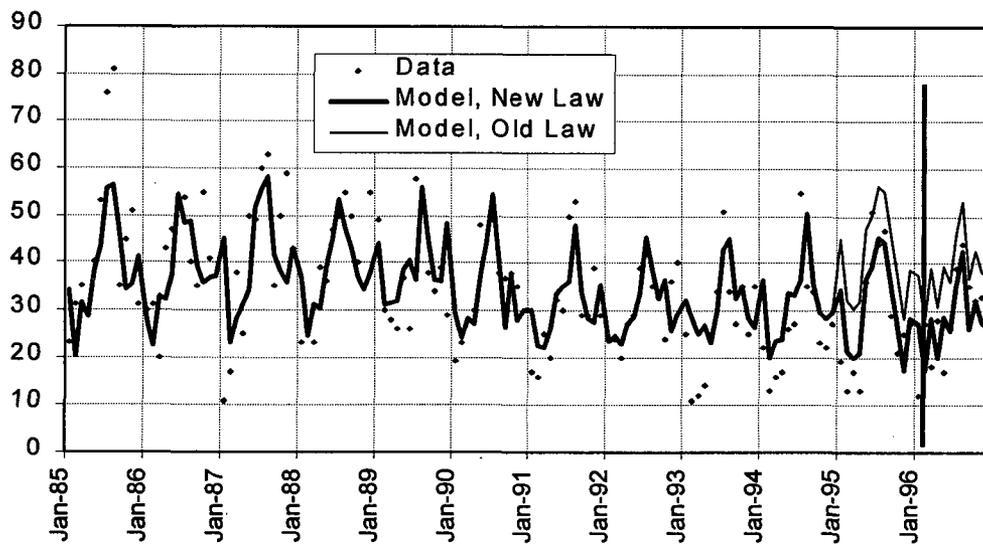


Figure 3-3: Young Drivers in Nighttime Single-Vehicle Injury Crashes, Young Drivers in Daytime Multi-Vehicle Injury Crashes As An Explanatory Series, Maine 1985 - 1996



The effect of the latest law change was quite substantial and statistically significant, amounting to a reduction of about 35% for the ratio measure (t ratio = -1.98) and about 36% (11 crashes per month) for the NSVI measure (t = -3.27).

SUMMARY AND CONCLUSIONS

Maine's zero tolerance law, with its .00 per se provision and solely administrative track, seems to be eminently workable. The police report few problems with enforcing the law, and in fact, feel that the recent revision to .00 sends a clear message to potential underage drinking drivers and has made enforcement easier. The Bureau of Motor Vehicles feels that the license suspension process works smoothly.

In 1998, 1.75% of the licensed driver population under 21 received a suspension under the zero tolerance law. Hearings request rates were relatively low (13.4%). Additionally, the evidential test refusal rate was very low (2.7%).

It appears that the purely administrative character of Maine's zero tolerance law provides many benefits to its smooth implementation with no perceptible drawback.

Time series analyses reflect a dramatic decrease in nighttime single vehicle injury crashes for the affectable age group beginning in the months when the legislative debate was underway about reducing the permissible level from .00 to .02 and there was publicity about the forthcoming law change. This benefit was maintained in the succeeding months after the law formally went into effect.

4 - OREGON

SITE DESCRIPTION

Oregon has a population of approximately 3.2 million persons, 70% of whom live in urban areas. Approximately 29% of the population is under the age of 21. The unemployment rate is currently about 5.8%, and the median family income is \$32,336. There were approximately 2.6 million licensed drivers and 2.9 million registered vehicles in 1996. Annual vehicle miles traveled are about 33 billion.

DWI Enforcement System

Laws. Since the repeal of prohibition (1933), the legal minimum drinking age in Oregon has been 21. Oregon has also had a long history of progressive anti-drinking driving laws. In 1983 the presumptive level for Driving Under the Influence of Intoxicants (DUII) was lowered from .10 BAC to .08. Also in 1983, a juvenile denial law was passed which provided that any persons age 13-17 who were convicted of any crime, violation, or infraction involving possession, use, or abuse of alcohol or controlled substances have their driving privileges suspended or their right to apply denied for specified periods of time. In 1984, Oregon adopted an administrative license suspension law which provided for a license suspension for persons who fail a breath test (.08 or above) or refuse to submit to a chemical test.

The initial zero tolerance law went into effect in 1989 and provided for license suspension for drivers under 18 with any measurable alcohol. On June 6, 1991 a law was passed (effective date July 1, 1991) extending this .00 limit to include all drivers under 21. Other than the BAC level, it is essentially the same administrative per se offense as that for adults with a BAC of .08 or above.

Enforcement. In Oregon, the zero tolerance violation is handled much like a standard adult DUII arrest from an enforcement standpoint. The officer establishes reasonable suspicion to make the initial driving stop based on observation of some illegal act. If, after the stop, the officer suspects that the minor may have consumed beverage alcohol, the officer asks the driver to submit to Standardized Field Sobriety Tests (SFST). If they fail the tests, that is probable cause to arrest. If they refuse, they are advised that their refusal is admissible in future legal consideration of their case. They are then transported to an evidential testing facility and asked to submit to a breath test. If the breath test result is over .00, paperwork is processed using the same forms as for the adult .08 administrative per se violation. The paperwork includes a notice of suspension to take effect 30 days after the arrest. It also includes a paper license which goes into effect 12 hours after the arrest for the remainder of the 30 days. The plastic license is confiscated at the time of arrest.

Persons 16 to 20 with a positive BAC are also issued a citation for Minor in Possession of Alcohol by Consumption (MIP). Persons under age 16 may or may not, according to the jurisdiction, be issued citations for MIP but in any event their cases are referred to juvenile court for disposition.

Offenders between 18 and 20 may be held at a detoxification center or jail facility, released to a responsible third party or transported to their residence. Those under 18 are held overnight at a juvenile detention facility or, more typically, released to their parent or guardian.

Adjudication. The administrative license suspension is imposed by Driver and Motor Vehicle Services. The suspension takes effect on the 30th day following the arrest. Offenders may request a hearing. The hearing must be requested within 10 days of the arrest and the hearings are generally held within 30 days of the request. The offender may appeal hearings' findings to the Circuit Court. Requesting hearings and appeals does not postpone the suspension. The scope of the hearings is limited in nature and generally covers issues such as reasonable grounds by the arresting officer that DUII had occurred, proper request to submit to the test and failure or refusal of the test. Hearings are conducted by Administrative Law Judges employed by the DMV.

MIP and other alcohol and drug offense suspensions are implemented by the DMV upon notice from the court of the offender's conviction.

Sanctioning. The law calls for a 90 day administrative suspension for first offender zero tolerance violators. Such violators may apply for a hardship license after 30 days of the suspension have been served. Second offenders receive a mandatory one year suspension with no provision for a hardship license. Persons who refuse to submit to the chemical test are subject to a one year license suspension for a first refusal and three years for a refusal within five years of a previous refusal or other DUII offense. First offender refusers may apply for a hardship license after 90 days. Second offender refusers are not eligible for hardship licenses. The longer suspensions for refusals are intended as incentives to submit to the chemical test.

License denials or suspensions based on conviction of MIP, other alcohol or drug offense, or possession of weapons on school grounds or in public buildings for persons 13 through 17 are as follows: one year or until 17, whichever is longer for the first offense and 1 year or until 18, whichever is longer for the second offense. Thus, a 13 year old convicted of MIP would not be allowed to apply for a license until he or she was 17.

EVALUATION

Approach

The basic approach in this evaluation is two-part. The first, is to examine the operational process by which the law is administered. This is accomplished through interviews with administrators and enforcement personnel. Another component of the process evaluation is to examine the administration of the law, as in stops made and licenses suspended. The second part of the evaluation, is an assessment of the effect of the law on a measure of alcohol-related crashes within the potentially affected age groups.

Operations

Enforcement. As indicated previously, the DUII suspensions for the zero tolerance law are administratively implemented by DMV based on notification of the arrest by arresting officers through routine filing of paperwork. Thus, the number of DUII arrests recorded by the DMV for persons under 21 provides a fair estimate of the level of enforcement of that offense. In 1996, DMV recorded 1,705 such arrests, which triggered the suspension process. DMV does not tabulate these arrests by BAC level so it is impossible to determine the number which may have been for levels above .08. However, this overall arrest rate for those under 21 reflects 1.08 % of the licensed drivers within that age group. This compares with an overall population based DUII arrest rate of .0091 (or 0.91%) for all ages in 1996 (based on 22,939 arrests). Additionally, there were 11,864 MIP citations written in 1996. There were 2,400 suspensions issued in 1996 based on reports from the courts of convictions of minors for alcohol and drug offenses or weapons on school grounds or in public buildings. Ninety-seven percent of these suspensions were for alcohol or drug offenses.

Law enforcement officers in four different law enforcement agencies representing State Police, Sheriff and Municipal Police departments were interviewed concerning their perceptions of enforcing Oregon's zero tolerance law. The main objection raised by law enforcement officers was that the elements of the offense for the zero tolerance law are essentially the same as for the .08 per se violation. The person must be under arrest for DUII before an implied consent test is requested. That is, the zero tolerance arrest includes all the same elements of the .08 offense, including demonstrating impairment through the SFST. It is often difficult for the officer to demonstrate impairment at the lowest levels, thus making it problematic to make the DUII charge for which the license suspensions are imposed administratively, based on the facts of the arrest. Departments which take this literally thus make few zero tolerance DUII arrests.

Oregon law includes alcohol possession by consumption, thus making any positive breath test evidence of possession, conviction for which leads to a 90 day

license suspension. This is the way many departments enforce zero tolerance. However, the license action in this instance is dependant on conviction for MIP and reporting of that conviction by the courts to DMV. Many police have the impression that courts informally divert first offenders from conviction if they will accept alcohol counseling and that reporting to DMV of convictions when they do occur is spotty.

Another issue for law enforcement is the testing and detention of juveniles under 18. They must be separated from adults and, where testing equipment are within adult jail facilities, testing can be problematic. In these instances some Sheriffs' departments use PBTs or passive alcohol sensors and cite the individual for MIP rather than the DUII offense. Since Oregon is a one breath test state, the use of the PBT would preclude obtaining the evidential test for DUII. There are also some courts which consider the use of the passive alcohol sensor to be a test. In these jurisdictions they are not used. It was mentioned that several elements of the zero tolerance laws in Oregon can be confusing and that there is a need for statewide training on this issue for law enforcement officers. Additionally, some officers may find the MIP paperwork much simpler to fill out (a single citation form) than the DUII paperwork and use it in its place. This introduces the courts into the process and may make license sanctions less certain. Training could address that issue.

Adjudication and Sanctioning. The basic licensing sanction for the zero tolerance violation is imposed administratively by the DMV based on the officer's standard DUII reporting on the implied consent form (See Appendix). This process seems to flow fairly smoothly when a zero tolerance DUII arrest is made. Though data for zero tolerance violations are not broken out separately, the overall hearings request rate in 1996 was just 19%, and in 85% of the hearings conducted, the suspensions were upheld.

However, the license suspension provisions for MIP violations may not be as consistently imposed. They are dependent on court reporting of convictions for the offense and there are two basic ways offenders may fall through the cracks. First, some courts operate informal diversion programs where the violations are dismissed if the individual agrees to alcohol counseling. The other instance is where courts simply fail to report convictions to DMV and thus DMV is unable to take licensing action.

Public Awareness. Informative brochures in both English and Spanish have been developed detailing the provisions of Oregon's laws relating to youth drinking and driving and zero tolerance. Separate brochures have been developed targeted at youth and parents. Additionally posters have been developed and widely distributed and the provisions of the law are described in the Driver Handbook. These materials are distributed through Driver's License Offices and schools, at presentations and displays at fairs and malls.

Impact

Crash data from 1988 through 1998 were available for the analysis of zero tolerance law impact in Oregon. The data were provided by the Transportation Development Branch of the Oregon Department of Transportation. As indicated above, only the law revision applying zero tolerance to all drivers under the age of 21 (as well as to drivers under age 18 as had been the case) occurred during that period, on January 1, 1991.

As with other states analyzed in this report, the measure of youth-involved alcohol-related crashes examined was the number of drivers under the age of 21 years involved in nighttime, single-vehicle injury crashes (NSVI). Also, as a comparison, we examined the number of drivers under the age of 21 years involved in daytime, multi-vehicle injury crashes (DMVI). Again, two different time series were analyzed, the ratio NSVI / DMVI, and NSVI alone with DMVI as an explanatory series. The time series analysis used the ARIMA analysis method developed by Box and Jenkins in the 1970s, and incorporated in the SAS[®] statistical package as PROC ARIMA. A step-function intervention was used in the analysis.

Figure 4-4 and **Figure 4-5** below show the results for ratio time series and the NSVI series, respectively. In 1998, there were 486 NSVI crashes involving drivers under the age of 21. The effect of the intervention starts in February 1991, about six months before the effective date of the law. Again, site contacts indicate that considerable publicity preceded passage of the law and that having an effect prior to passage was credible.

As with Maine, the effect of the law change was substantial and statistically significant, amounting to a reduction of about 38% for the ratio measure (t ratio = -5.72) and about 40% (16 crashes per month) for the NSVI measure (t = -6.50).

SUMMARY AND CONCLUSIONS

Oregon has had laws addressing underage drinking and driving since the early 1980s. These included laws prohibiting driving with any alcohol in the system for drivers age 18 and under and providing for license sanctions for various underage alcohol and other drug convictions, even though driving may not have been involved in the offense. More recently, Oregon changed the driving zero tolerance age to all drivers under 21 in early 1991.

Oregon's zero tolerance law driving suspensions are imposed administratively. In fact, the paperwork flow for their imposition has been integrated into the overall administrative per se process as one of the violations which may be checked off on the standard forms. When zero tolerance arrests are made, this paperwork seems to flow smoothly through the system.

Figure 4-4: Ratio of Young Drivers in Nighttime Single-Vehicle Injury Crashes to Young Drivers in Daytime Multi-Vehicle Injury Crashes, Oregon 1988 - 1998

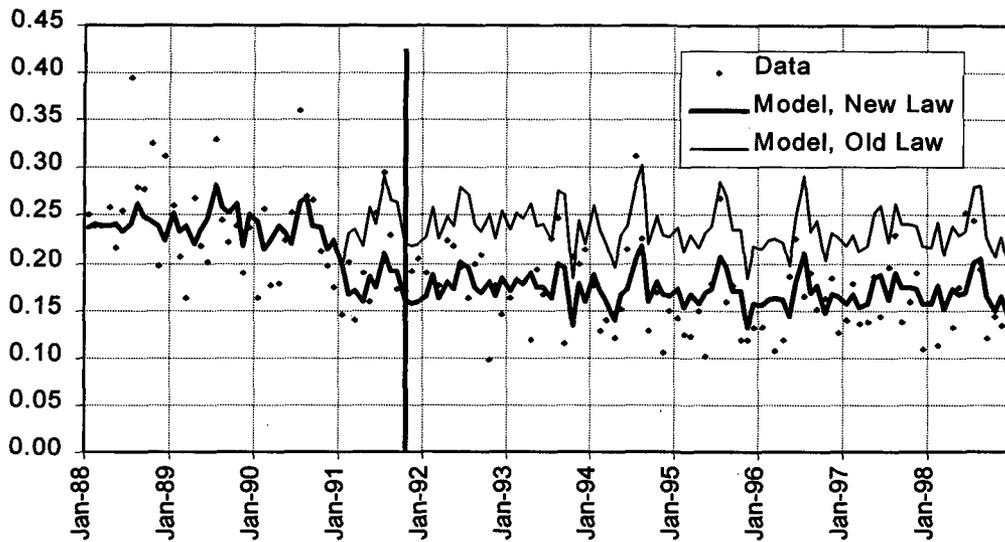
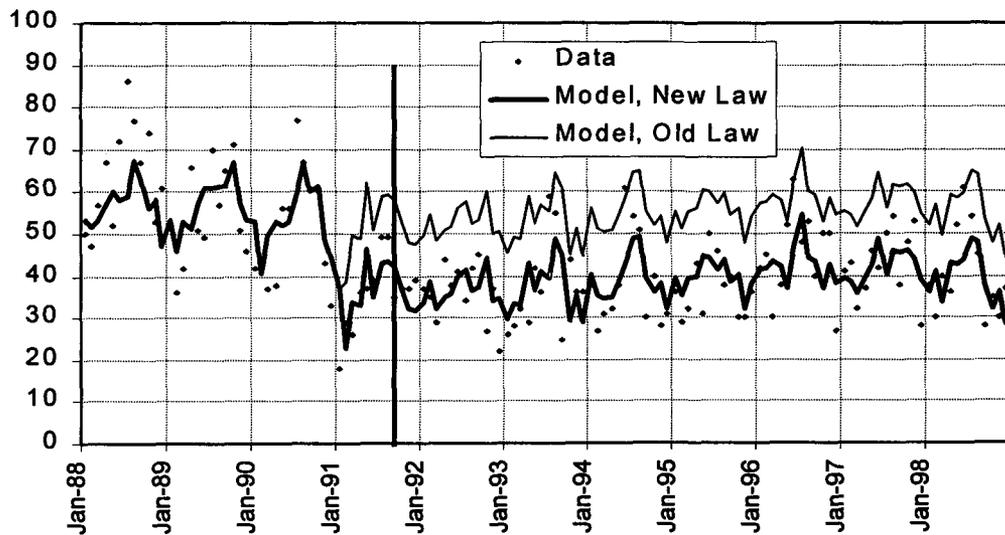


Figure 4-5: Young Drivers in Nighttime Single-Vehicle Injury Crashes, Young Drivers in Daytime Multi-Vehicle Injury Crashes As An Explanatory Series, Oregon 1988 - 1998



OREGON

One problem in enforcing the zero tolerance law for youth is that ostensibly they should fail the SFST before being cited for the zero tolerance violation and taken in for evidential chemical testing. This may be problematic since many would not fail the SFST (which has been validated to identify drivers at a .08 threshold) at low alcohol levels. However, the suspension rate for youth approaches that for adults indicating that officers are still identifying youth for testing and citing them. Additionally, licensing sanctions are being applied to youth for Minor in Possession (MIP) type violations at a higher rate than the driving zero tolerance violation. Combined, these licensing actions double that of adults for alcohol driving violations. However, only about a tenth of the MIP citations result in convictions which are reported to the DMV and thus result in suspensions.

Notwithstanding the issues described above, the recent change in the zero tolerance law's applicability from persons under 19 to all drivers under 21 is associated in a dramatic reduction in nighttime single vehicle injury crashes.

Oregon may wish to implement measures to reduce the probable cause threshold for the zero tolerance driving violation and to increase the proportion of MIP citations which result in conviction and reports to the DMV for licensing actions. Such steps might well result in even further reductions in crashes.

5 -TEXAS

SITE DESCRIPTION

The population of Texas is approximately 20 million persons, with 72% living in urban areas. About 33% of the population is under the age of 21. The unemployment rate is 4.5% and the median family income is \$31,533. There were approximately 13 million licensed drivers and 19 million registered vehicles in 1996. Annual vehicle miles traveled are about 206 billion.

DWI Enforcement System

Laws. The Texas alcohol zero tolerance for driving law went into effect on September 1, 1997. The offense is called Driving Under the Influence (DUI). There are two basic tracks. The first track of DUI is administrative in nature and is the offense of driving with any (>.00) alcohol in the system for persons who are under 21. Licensing sanctions are applied administratively by the Department of Public Safety (DPS) and the procedures have been rolled into the existing administrative license revocation (ALR) procedure. There also is a criminal track for the DUI offense which is tried in the justice or municipal courts. It is a Class C misdemeanor and carries other sanctions such as fines and community service. There is no additional license suspension upon conviction of DUI. There are also several underage alcohol possession, consumption and purchase criminal offenses which now also carry licensing sanctions which are triggered by notification of DPS of the conviction by the courts and in general are referred to as zero tolerance violations. The offense of driving with a BAC of .08 or above is called Driving While Intoxicated (DWI) and may apply to persons of any age.

Enforcement. Enforcement of the DUI law requires that the law enforcement officer have a reasonable suspicion to conduct a traffic stop. Once the officer determines that the driver's age is under 21, and has reason to believe that he or she has consumed alcohol, one of two enforcement methods may be followed. In less serious cases, the officer may issue a citation for DUI and serve a Notice of Suspension on the driver. The driver is not placed under arrest and no chemical test is required. The officer's testimony of smelling alcohol on the breath is sufficient evidence of consumption in this case.

In more serious cases, the officer proceeds with a custodial arrest procedure if he or she believes the driver is seriously impaired. Field sobriety tests are administered. If he or she fails, the driver is placed under arrest (or taken into custody) and transported to a chemical testing facility. If the driver has a positive BAC or refuses to submit to a chemical test, a Notice of Suspension is served. If the BAC is at or above the .08 level, the driver may be arrested for the more serious offense of DWI.

If the driver is under 17, the reading of the implied consent statute and breath testing must be videotaped. Those under 17 who are arrested for DWI are processed as a juvenile, which usually entails releasing to a parent or guardian. If 17 or over, DWI arrestees are processed as adults. Those tested positive who are below .08 are issued the citation and Notice of Suspension. If under 17, they are released to a parent or guardian if under 17. If they are 17 or over they may be released to any responsible party.

Adjudication. Zero tolerance DUI violations in Texas are adjudicated under two different tracks. The criminal offense is adjudicated through the adult justice or municipal court system unless the offender is under 17, in which case the case is handled through the juvenile justice system. Licensing actions are instituted through the regular administrative license suspension procedures of the Department of Public Safety and are triggered through the results of breath or blood alcohol testing or refusal to submit thereto. The driver has 15 days from receipt of the Notice of Suspension to request a hearing. If no hearing is requested, the license suspension goes into effect on the 40th day after notice was served.

If a hearing is requested, it is held before an Administrative Law Judge in or near the county of arrest. Some hearings are held by teleconference. The elements of the hearing are (1) whether the person was a minor and had any detectable amount of alcohol while operating a motor vehicle in a public place; and (2) whether there was reasonable suspicion to stop or probable cause to arrest or take the minor into custody. Refusals also include the issue of whether the person was placed under arrest, the chemical test was properly requested, and refused. An attempt is made to conduct hearings within 40 days of the notice of suspension but continuances are sometimes granted. The cases may be heard on the basis of documentary evidence, but the defendant may subpoena witnesses.

Sanctioning. DPS personnel responsible for processing the administrative suspensions have rolled the zero per se into their existing process for administrative per se for adults and seem to have the process going smoothly. The license sanction for first offenders is a 60 day license suspension. Offenders may apply for an occupational license after 30 days. For a second offense (based on a prior conviction for DUI, DWI, intoxicated assault, or intoxicated manslaughter), the suspension period is 120 days with a provision for an occupational license after serving 90 days of suspension. Subsequent violations call for a 180 day suspension with no provision for an occupational license.

Test refusal results in a 120 day suspension on the first offense. If the offender can demonstrate an essential need, a occupational license may be awarded at any time. The second offense refusal penalty is a 240 day suspension with no occupational license if the prior offense was an ALR violation. If the prior suspension was for a DWI conviction, intoxicated assault, or intoxicated manslaughter, the suspension is for one year. If the offender is acquitted of the

criminal offense, the suspension must either be not imposed or rescinded if already in effect. In practice, administrative suspensions generally have already been served by the time criminal cases have been resolved.

First offenders convicted of the criminal offense receive no jail time, subsequent offenses may result in incarceration up to 180 days, however there is no mandatory minimum jail time. First offenders may be fined up to \$500 and subsequent offenders may receive a fine of from \$500 to \$2,000. Community service sanctions range from 20 to 40 hours for first offenders and 40 to 60 hours for subsequent offenses.

EVALUATION

Approach

Again, the basic approach in this evaluation is two-part. The first, is to examine the operational process by which the law is administered. This is accomplished through interviews with administrators and enforcement personnel. Another component of the process evaluation is to examine the administration of the law, as in stops made and licenses suspended. The second part of the evaluation, is an assessment of the effect of the law on a measure of alcohol-related crashes within the potentially affected age groups.

Operations

Enforcement. Discussions were conducted with law enforcement personnel in the Austin, Texas area about law enforcement issues for persons arrested for DUI.

Interviews about enforcement issues were conducted at the Austin Police Department, Travis County Sheriff's Department, the Texas Department of Public Safety and the Texas Alcoholic Beverage Commission (TABC). Among other law enforcement contacts, the Sheriff's Office is concerned about using the term "zero tolerance" when referring to underage drinking and driving. They feel that this confuses the issue with offenses such as drugs in schools and domestic violence where there is no enforcement discretion at all and every detected offense is to result in an arrest. They feel that the use of the term with underage drinking, where there may be some enforcement discretion, diminishes the concept of zero tolerance and confuses the issue.

The sheriff's department reported difficulty in detecting violators, and thus, low arrest rates. The Department of Public Safety is purchasing and distributing additional preliminary breath test devices (PBTs) to enhance enforcement, though this seems to be taking place in response to the recent passage of the .08 level for DWI rather than for zero tolerance enforcement. Passive alcohol sensors are not reportedly in widespread use in Texas for zero tolerance detection purposes. However, special projects such as one currently underway in the Dallas-Fort Worth

area are using these devices and if they increase citation rates they may come into more widespread use. In Texas, the officer's detection of the odor of alcohol is sufficient evidence of consumption and this may be why the Austin Police Department and the TABC enforcement division report no particular difficulties with detection.

Police did not indicate that the need to contact parents or guardians for offenders under 17 posed any significant logistical problems. Two factors were cited for this sentiment. One was that very few of the offenders were that young and the other was that it is just considered routine procedure to handle young offenders in that matter.

An observation from many of the officers who specialize in DWI enforcement and have also had extensive experience with the zero tolerance law was that as regular patrol officers become familiar with the ease of the procedures and paperwork for the zero tolerance violation, there should be an increase in the volume of citations.

Adjudication and Sanctioning In fiscal year (FY)1998 (October 1, 1997 - September 30, 1998), DPS issued 3,585 suspensions to persons under 21 under the ALR provisions of the DUI and implied consent laws representing .37% of licensed drivers in that age group. In FY1999, the corresponding figure was 8,315 or .87%. This probably indicates an increased familiarity with the law on the part of law enforcement officers and willingness to enforce it. Interestingly, DWI suspensions for the under 21 age group decreased from 4,559 in FY98 to 3,272 in FY99. The combined suspension rate in FY98 was .85% of the under 21 licensed driver population. That rose to 1.21% in FY99. However, there seems to be a trend towards a greater number of test refusals as well as requests for hearings. In FY98 there were 1,563 ALR suspensions for refusals for persons under 21, or 17.4% of all DUI/DWI suspensions for that age group, while in FY99 there were 2,489, or 21.5%. Hearing suspensions accounted for 9.2% of under 21 DUI/DWI suspensions in FY98 and 14.1% in FY99.

Dispositions of the criminal cases usually take longer. The ALR suspension is the only suspension imposed for the DUI offense unless the individual fails to complete an alcohol awareness course. Thus, relatively few license suspensions are implemented by the DPS as a result of criminal convictions for DUI and then failing to complete the course. In FY98 there were 863 and in FY99 there were 1,201 convictions. However, suspensions resulting from other zero tolerance criminal convictions (i.e., MIP, attempt to purchase, consumption, etc.) were much more numerous. In FY98 there were 9,508 such suspensions and in FY99 there were 17,087.

These process data suggest that there is increasingly aggressive enforcement of all categories of alcohol zero tolerance laws in Texas.

Public Awareness. The Texas Alcoholic Beverage Commission, the Texas Department of Transportation and the Texas Education Agency have developed and

distributed several brochures, informational cards and posters emphasizing the issues in the zero tolerance legislation including DUI as well as other underage drinking violations and their associated licensing sanctions. These materials have been prepared in both English and Spanish.

Additionally, a NHTSA sponsored activity provided information and training about zero tolerance to 200 high school newspaper editors to encourage coverage of this issue in their publications. A special DUI enforcement project, also funded by NHTSA, has been initiated in the Dallas-Fort Worth area and has received extensive publicity.

Impact

Crash data from the Texas Department of Transportation were used in the impact analysis. The data covered the years 1993 - 1998. Again, the measure of youth-involved alcohol-related crashes was the number of drivers under the age of 21 years involved in nighttime, single-vehicle injury crashes (NSVI). And, as a comparison, we examined the number of drivers under the age of 21 years involved in daytime, multi-vehicle injury crashes (DMVI). In 1998, there were 3,362 NSVI crashes involving drivers under the age of 21. Visual examination of the ratio NSVI / DMVI and NSVI clearly indicate no changes occurring near the effective date of the law, so no formal analyses were conducted (**Figure 5-1** and **Figure 5-2**). NSVI crashes for the entire period averaged about 259 per month.

SUMMARY AND CONCLUSIONS

Texas' zero tolerance law for drivers under 21 went into effect in the fall of 1997. For the first year the law was in effect the arrest/suspension rate for the zero tolerance offense was fairly low. However, during the next year the rate rose to .87% of under 21 licensed drivers, and when combined with the suspension rate for the DWI offense, represents over 1.2% of licensed drivers in that age group. That rate compares favorably with the nationwide DWI arrest rate for all ages and with other states for zero tolerance enforcement. Additionally, Texas has mounted a fairly extensive public information and education program to educate underage drivers about the new law. Nonetheless, examination of statewide crash data does not reveal any reduction in nighttime single vehicle injury crashes associated with the implementation of the law.

Measures of public awareness may reveal whether the message has reached the appropriate audience. This should guide further public information efforts. Well-publicized Statewide enforcement efforts such as that currently being implemented in the Dallas-Fort Worth area may also result in increased effectiveness. Texas policymakers should monitor the effectiveness of the Dallas-Fort Worth initiative to guide them in their further efforts to most effectively implement this law.

Figure 5-1: Ratio of Young Drivers in Nighttime Single-Vehicle Injury Crashes to Young Drivers in Daytime Multi-Vehicle Injury Crashes, Texas 1993 - 1998

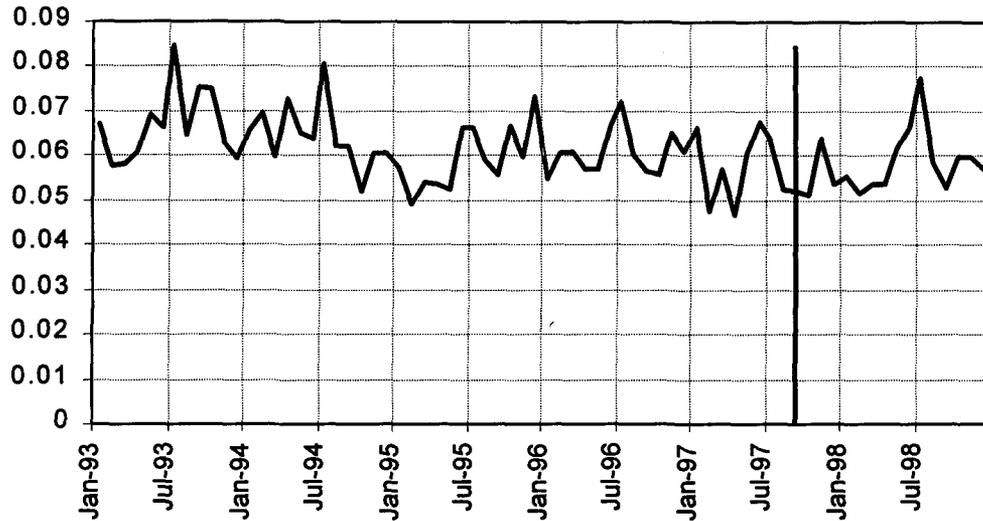
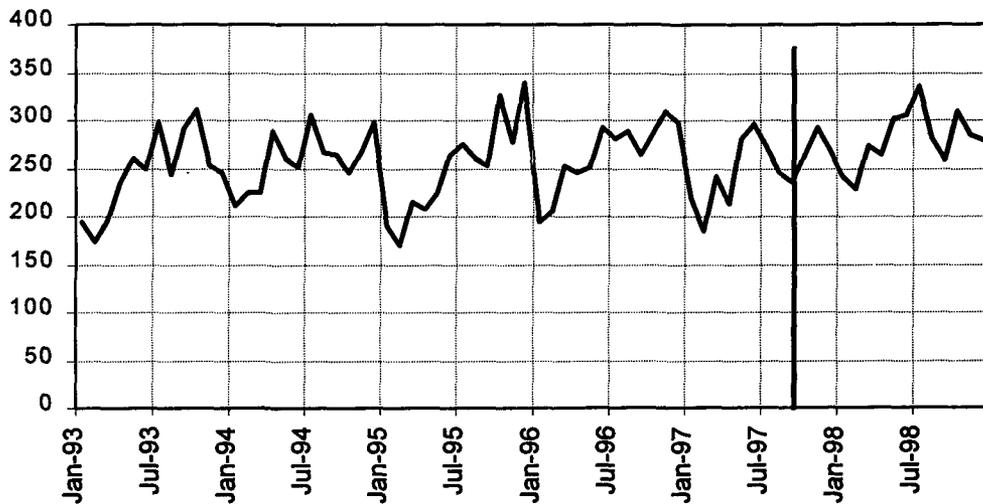


Figure 5-2: Young Drivers in Nighttime Single-Vehicle Injury Crashes, Texas 1993 - 1998



6 -SYNTHESIS

Persons of ages 16-20 years have the highest risk of a being killed in a traffic crash of any age group (U.S. Department of Transportation, NHTSA, 1998). In fact, in 1998, motor vehicle crashes were the leading cause of death for this age group. Additionally, 18-year-olds constituted the single year age group with the highest number of fatalities (U.S. Department of Transportation, NHTSA, In Press). More 21-year-olds died in alcohol-related crashes than any other age group. This applies both to drivers and passengers. In addition, some 22% of the drivers in the 16-20 year old age group's fatal crashes had a BAC (Blood Alcohol Concentration) of .01 or higher. More 18-year-olds died in lower BAC (between .01 and .09) alcohol-related crashes than any other age. In fact, 17-, 18-, 19-, 20-, 21- and 22-year-olds are the top 6 ages of people that die in low BAC crashes. Zero tolerance laws for youth address this problem directly.

The concept of zero tolerance laws for youth is based on a simple proposition: since it is illegal for persons under 21 to drink beverage alcohol, it should also be illegal for them to drive with any alcohol in their system. Unfortunately, until fairly recently, many states' drinking driving laws failed to acknowledge this, and the "legal limit" remained at .08 or .10 for drivers of all ages. Now, all states and the District of Columbia have zero tolerance laws.

These new laws differ in the maximum BAC they permit (.00, .01, or .02), the way they are implemented, and their impact on enforcement, adjudication and sanctioning. As a result of these variations, differences can be expected in the laws' impact on youthful alcohol-related traffic crashes. This study examined both process and impact issues related to the adoption and implementation of these new laws in the four case-study states. The states were selected to represent both states which have had zero tolerance laws for a long time and ones which have more recently adopted such laws. The four states studied were Florida, Maine, Oregon, and Texas.

Our evaluation of the traffic safety impact of zero tolerance laws used nighttime single-vehicle injury crashes involving drivers under age 21 (NSVI) as a measure of the youth-alcohol traffic crash problem in the four case study states. **Table 6-1** shows how this measure and its rates per 100,000 population varied among the four case study states in the latest full year for which data were available.

Table 6-1: Number and Rates of Nighttime Single-Vehicle Injury Crashes Involving Drivers Under Age 21 in Case Study States

State	Year	Youth NSVI Crashes	
		Number	Per 100,000 Population
Florida	1998	1,407	10.4
Maine	1996	352	3.5
Oregon	1998	486	6.7
Texas	1998	3,362	5.8

The state with the highest rate (Florida) had about three times the rate as did Maine, the state with the lowest rate (10.4 versus 3.5). The other two states (Oregon and Texas) had about the same rate, 6.7 and 5.8, respectively.

Florida's zero tolerance law went into effect in January 1997. The law created an administrative per se offense for drivers under 21 with BACs of .02 or above. When this offense is detected, a formal arrest is not required. The officer fills out a single multi-part form which includes information about probable cause for the stop and informs the driver of the suspension. Preliminary breath testers may be used at the scene of the stop to develop the evidence of the BAC level.

Even though the law is structured to be fairly easy for law enforcement officers to implement, the arrest rate for this offense was initially quite low. The zero tolerance arrest rate was .07 percent of the licensed drivers in that age group the first year the law was in effect. This may be due partly to an initial shortage of PBTs for evidence gathering. It may also be because of law enforcement officers' misunderstanding of the magnitude of a technical error in the drafting of the law.

Subsequently, more PBTs have been put in the field and training continues for law enforcement officers. The technical error in the law, which applies only to multiple offenders, remains. However, law enforcement are being educated about the limited nature of its applicability.

More arrests and suspensions are taking place each year. However, the suspension rate still remains relatively low. In the second year the law was in effect, the arrest rate was .12% of licensed drivers under 21.

Public information and education efforts have been put into place which present information about the law to every newly licensed youthful driver and their parent or guardian.

SYNTHESIS

Examination of crash data reveals a gradually increasing effect on nighttime single vehicle injury crashes which now is at five percent. This reduction is statistically significant, but is below what has been observed in some other states and is likely to be attributable at least partly to nighttime curfews imposed by Florida's graduated licensing law.

Maine's zero tolerance laws have a somewhat longer history. On June 23, 1983 it became an offense for persons under 20 to drive with BACs of .02 and above. On July 1, 1985, that limit was revised to persons under age 21. Effective September 29, 1995, the limit was set at .00 for persons under 21. The law was enacted in April 1995 and calls for an administrative suspension of the license. The focus of this study has been on how the current law works and whether the change from .02 to .00 had an effect on implementation and crashes.

Maine's zero tolerance law, with its .00 per se provision and solely administrative track, seems to be eminently workable. The police report few problems with enforcing the law, and; in fact, feel that the recent revision to .00 sends a clear message to potential underage drinking drivers and has made enforcement easier. The Bureau of Motor Vehicles feels that the license suspension process works smoothly.

In 1998, 1.75% of the licensed driver population under 21 received a suspension under the zero tolerance law. Hearing request rates were relatively low (13.4%). Additionally, the evidential test refusal rate was very low (2.7%).

It appears that the purely administrative character of Maine's zero tolerance law provides many benefits to its smooth implementation with no perceptible drawback.

Time series analyses reflect a dramatic 36% decrease in nighttime single vehicle injury crashes for the affectable age group beginning in the months when the legislative debate was underway about reducing the permissible level from .00 to .02. This benefit was maintained in the succeeding months after the law formally went into effect.

Oregon also has had laws addressing underage drinking and driving since the early 1980s. These included laws prohibiting driving with any alcohol in the system for drivers age 18 and under and providing for license sanctions for various underage alcohol and other drug convictions, even though driving may not have been involved in the offense. More recently, Oregon changed the driving zero tolerance age to all drivers under 21 in 1991.

Oregon's zero tolerance law driving suspensions are imposed administratively. In fact, the paperwork flow for their imposition has been integrated into the overall administrative per se process as one of the violations that may be checked off on the standard forms. When zero tolerance arrests are made, this paperwork seems to flow smoothly through the system.

One problem in enforcing the zero tolerance law for youth is that ostensibly violators should fail the SFST before being cited for the zero tolerance violation and taken in for evidential chemical testing. This may be problematic since many would not fail the SFST (which is validated to identify drivers at a .08 threshold) at low

alcohol levels. However, the suspension rate for youth approaches that for adults indicating that officers are still identifying youth for testing and citing them.

The recent change in Oregon's zero tolerance law's applicability from persons under 19 to all drivers under 21 is associated with a 40% reduction in nighttime single vehicle injury crashes.

The zero tolerance law for drivers under 21 went into effect in the fall of 1997 in *Texas*. For the first year the law was in effect, the arrest/suspension rate for the zero tolerance offense was fairly low. However, during the next year, the rate rose to .87% of under 21 licensed drivers. Texas has also mounted a fairly extensive public information and education program to educate underage drivers about the new law. Nonetheless, examination of statewide crash data does not reveal any reduction in nighttime single vehicle injury crashes associated with the implementation of the law.

Table 6-2 summarizes the pertinent characteristics of the zero tolerance laws in the four study states.

Table 6-2: Characteristics of Zero Tolerance Laws in the Four Study States

Characteristic	Florida	Maine	Oregon	Texas
Effective Date of Initial Zero Tolerance Law	1/97	6/83	7/89	9/97
Effective date of measure studied	1/97	10/95	7/91	9/97
Zero tolerance BAC level	.02	.00	.00	.00
Administrative license action?	Yes	Yes	Yes	Yes
License suspension/revocation period	6 months	1 year	90 days	60 days
Eligibility for hardship license begins	after 30 days	Immediately	after 30 days	after 30 days
Passive alcohol sensors used?	No	No	Yes	Yes

Table 6-3 shows the most recent suspension rate for the zero tolerance law by state and the percent reduction in nighttime single vehicle injury crashes observed in association with adoption or implementation of the law.

Table 6-3: Zero Tolerance Law License Suspension Rate and Reduction in Nighttime Single Vehicle Injury Crashes by State

State	Zero Tolerance Suspension Rate	Observed Reduction in Nighttime Single Vehicle Injury Crashes
Florida	0.12%	5%
Maine	1.75%	36%
Oregon	1.08%	40%
Texas	0.87%	none

Examination of the table offers some insight into the mechanisms of effectiveness of zero tolerance laws, but also raises some questions. The two states with the highest suspension rates (Maine and Oregon) demonstrated the largest crash reductions. They also were the states with the most longstanding zero tolerance laws. However, the reductions were observed coincident with the passage of modifications to their law. In the case of Oregon, this modification meant applying zero tolerance to all drivers under 21, rather than 19, and in the case of Maine, reducing the BAC level from .02 to zero.

In both Florida and Texas, however, the overall law went into effect more recently. In the case of Florida, the law provides for a .02 limit and the rate of suspensions is very low. However, the law has been well-publicized and was implemented soon after the imposition of nighttime curfews for 16 and 17 year old drivers. The publicity and curfews may serve to help account for the observed reduction. Texas adopted a zero tolerance law where the odor of alcohol on the breath was sufficient evidence of the presence of alcohol. The suspension rate there approaches that of Oregon and the law has been well-publicized. However, no effect on crashes was observed.

It may well be that in both Florida and Texas the law may have to “mature” to demonstrate its ultimate effectiveness. That is, the law enforcement community may need to become more comfortable with the law to be able to most effectively enforce it, and the target population may have to be convinced that the law is truly being enforced and implemented.

One tool which many consider to be a potentially valuable one in enforcing zero tolerance laws is the use of passive alcohol sensors for detection of the offense. In each state we asked about their use. In two, Florida and Maine, for legislative and litigation reasons, administrators were adamant that they were not appropriate in their jurisdictions. In the other two jurisdictions, Texas and Oregon, they are in use in

EVALUATION OF ZERO TOLERANCE LAWS FOR YOUTH IN FOUR STATES

some localities but not throughout the State. In states where there is no legal impediment for their use, passive alcohol sensors seem particularly suitable for the detection of zero tolerance violators at low levels.

7 -CONCLUSIONS AND RECOMMENDATIONS

Though significant reductions in youth alcohol-related crashes have been achieved in recent years -- from twenty fatalities per every 100,000 youth (15-20) in the early 1980s to nine per 100,000 in 1998 -- much remains to be done. All states and the District of Columbia had raised the minimum drinking age to 21 by the late 1980s and NHTSA estimates that those laws have saved 18,220 lives since 1975 (NHTSA, in press). A natural extension of minimum drinking age laws are laws which prohibit driving by youth with essentially any alcohol in their system. As of June 1998, all states and the District of Columbia had set a BAC limit of .02 or lower for drivers under the age of 21.

Multi-state studies of data from NHTSA's FARS data have indicated that overall, these zero tolerance laws may be associated with further reductions in alcohol-related fatalities for youth on a nationwide basis (Hingson, et al, 1994; Voas, et al, 1999).

Our study examined the experience of four states with zero tolerance laws. Two of the states, Maine and Oregon, have had some form of the law since the early 1980s and revised their laws in the 1990s to make them more stringent. The two other states, Texas and Florida, implemented their laws much more recently (1997).

In the states that have had longstanding zero tolerance laws, Oregon and Maine, and where police are generally familiar with basic enforcement procedures for the law, recent changes in the law have been associated with further reductions in a proxy of alcohol-related crashes. In Maine, where the permissible BAC level was reduced from .02 to .00, a reduction in nighttime single vehicle injury (NSVI) crashes on the order of 36% was observed. In Oregon, where a change in the age for the .00 limit was made from 18 to 21, a NSVI reduction of 40% was observed.

In the two states where the basic law was more recently adopted, a much smaller reduction was observed in Florida (5%), and no reduction was observed in Texas..

In Florida and Texas enforcement of the zero tolerance law seems to be gradually rising. In both of those states efforts were made from the outset to ease the paperwork burden for officers taking zero tolerance enforcement action. This was done to overcome the frequent objection that the paperwork associated with alcohol-related traffic arrests is overly burdensome. However, it may be that the rank and file officer is not aware of how easy the process actually is.

In the four states studied, the administrative process of imposing license suspensions after the enforcement seems to be going smoothly. Requests for hearings contesting suspensions and requests for hardship licenses are lower than for adults.

The use of passive alcohol sensors (PAS) to assist in detecting zero tolerance violators is not widespread in any of the states we studied, and in fact, they are essentially not used at all in Maine and Florida. In those states their non-use is a result of concern about legal issues such as use of the PAS precluding obtaining evidential tests and weakening other aspects of the investigation. In Texas and

Oregon the issue is more related to cost and lack of a perceived need by law enforcement officers.

In three of the states we studied, the legal limit is .00 for youth. In Maine where that level represents a change from .02, law enforcement officers reported that prohibiting any alcohol made enforcement easier and sent a clearer message to youth. In the past, they felt that youth assumed they could have one or two drinks and still be legal and now they do not have that misconception. In Texas, where the officer's testimony of the odor of alcohol is sufficient evidence to support the suspension action, support was also offered for the .00 level. Similar law enforcement sentiments were expressed in Oregon.

Based on discussions with law enforcement officers, provisions which streamline paperwork, and provisions which allow on-site evidence of alcohol consumption (e.g., PBT results or the officer's detection of alcohol) are likely to encourage officers to take action when they detect the presence of alcohol in youthful drivers. As indicated in the discussion of procedures for each of the states, it is feasible to make this action one that can be made expeditiously.

An issue that is sometimes raised in objection to enforcement of zero tolerance laws is that special provisions must be made for minors in custody and that that serves as a disincentive to taking the enforcement action in the first place. Though a few officers raised this issue as a problem, the vast majority of those we spoke with said that contacting a parent or guardian when dealing with subjects under 18 (17 in Texas) is just a routine part of enforcement actions with youth and seldom presents difficulties.

Based on the observations above we recommend that States:

1. Consider changing their zero tolerance laws where the permissible BAC level is .01 or .02 to .00, in order to send a clearer message to youth.
2. In order to encourage more active enforcement of the law, consider developing and implementing a brief roll call training program for law enforcement officers describing the procedures for enforcing the law and preparing the paperwork.
3. Encourage police officers to look for violations of this law in conjunction with every traffic stop.
4. Consider more widespread use of passive alcohol sensors to assist in detection of violations, where legal.
5. Continue public information directed at youth and adults alike to raise awareness of the need for the law, the provisions of the law and the enforcement of the law.
6. Consider well-publicized special enforcement efforts to enforce zero tolerance laws.

8 - REFERENCES

- Blomberg, RD. (1992). *Lower BAC limits for youth: evaluation of the Maryland .02 law*. DOT HS 807 859. Washington, DC: National Highway Traffic Safety Administration.
- Hingson, R; Heeren, T; and Winter, M. (1994). Lower blood alcohol limits for young drivers. *Public Health Reports* 109(6):738-744.
- U.S. Department of Transportation, NHTSA. (1998). *Traffic safety facts 1997*. DOT HS 808 806. Washington, DC: National Highway Traffic Safety Administration.
- U.S. Department of Transportation, NHTSA. (In Press). *1998 Youth Fatal Crash and Alcohol Facts*. Washington, DC: National Highway Traffic Safety Administration.
- Voas, RB; Tippetts, AS; and Fell, J. (1999). *The United States limits drinking by youth under age 21: does this reduce fatal crash involvements?* In: *43rd Annual Proceedings, Association for the Advancement of Automotive Medicine*. September 20-21, 1999. Barcelona, Spain.

APPENDIX

FLORIDA

DRUNK DRIVING IS NOT A VICTIMLESS CRIME!

YOU CAN MAKE A DIFFERENCE!

Here are some things that you can do to make a difference.

1. Never ride with a driver who has been drinking or using drugs, including legal drugs that impair.
2. Contact your local Chief of Police and Sheriff and tell them that you support DUI enforcement in your community.
3. Write a letter to the editor of your local newspaper supporting DUI enforcement.
4. Design an exhibit for your school or library on the dangers of driving while under the influence of alcohol or other drugs.
5. Report stores that sell alcohol to underage persons to your local law enforcement agency or the Division of Alcoholic Beverages and Tobacco at 1-888-NO-UNDERAGE.
6. Always wear your safety belt. It is your best defense against being seriously injured if the vehicle in which you are riding is struck by a drunk driver.

A TRAFFIC SAFETY MESSAGE FROM THE FOLLOWING :

FLORIDA DEPARTMENT OF TRANSPORTATION
INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT
FLORIDA HIGHWAY PATROL
YOUR LOCAL LAW ENFORCEMENT AGENCY

FLORIDA'S ZERO TOLERANCE LAW



**Simple answers
to common
questions!**

Here are some simple answers to common questions about Florida's Zero Tolerance Law for drivers under age 21. The law is found in Section 322.2616, Florida Statutes.

What is the unlawful breath-alcohol level for a driver under age 21?

It is illegal for anyone under age 21 to drink alcoholic beverages. However, the Florida Legislature set the illegal breath alcohol level at .02 grams of alcohol per 210 liters of breath so that drivers under age 21 who take small amounts of medications containing alcohol would not lose their licenses.

How much can I drink before I reach .02?

Everyone's body reacts differently to alcohol. Some people will reach .02 after drinking less than 12 ounces of beer or a wine cooler.

Can I be arrested for DUI if I am under age 21?

Yes, if you are driving under the influence to the extent that your normal faculties are impaired or your breath-alcohol level is above .08, you can be arrested for DUI.

Will I be arrested for violating the Zero Tolerance Law?

No.

Will I lose my license if I am caught driving with a breath-alcohol level above .02?

Yes.

How long will I lose my license?

For a first offense, it will be suspended for at least six months.

Will my parents be called?

If you are under age 18, yes.

Will I be fined for violating the Zero Tolerance Law?

No, but you will have to pay a fee to get your license reinstated.

Will my insurance rates go up?

Probably.

Will I have an illegal breath alcohol level if I take cough syrup or other medication containing alcohol?

If you follow the directions, most medications will not produce an .02 level. But, some medications contain other drugs that impair. You should not drive after taking a medicine that causes drowsiness.

**BREATH TEST RESULT AFFIDAVIT FOR UNDER AGE 21
SUSPENSIONS**

STATE OF FLORIDA
COUNTY OF _____)

I, _____, hereby swear or affirm that I
administered a breath test to _____

Driver License No. _____

in accordance with s. 322.2616 F. S. The first breath sample was
collected on _____ at _____, resulting in 0. _____
(date) (time)
grams of alcohol per 210 liters of breath (g/210L.). The second
breath sample was collected on _____ at _____, resulting
(date) (time)
in 0. _____ g/210L.

The breath test device used, _____ (name)
_____ is listed in the U. S. Department of
(Serial No.)
Transportation's conforming products list, and has been calibrated
and checked in accordance with the manufacturer's and/or agency's
procedures.

Signature of person making statement

(AFFIX SEAL) THIS AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO
[F. S. 117.14]
The foregoing instrument was acknowledged before
me on this _____ day of _____
19____ by _____
Who is personally known to me or who has produced
as identification. _____
SIGNATURE OF ATTESTING OFFICER OR
NOTARY PUBLIC
TITLE _____
DATE _____

NOTE: Mail or hand deliver to the designated DHSMV hearing office, Department of Highway Safety & Motor
Vehicles, with the notice of Suspension.

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
**AFFIDAVIT OF
REFUSAL TO SUBMIT TO BREATH TEST**

This affidavit should only be used for a violation of s. 322.2616 F. S.

STATE OF FLORIDA
COUNTY OF _____)

I, _____, who, being duly sworn, state that
I am a duly certified Law Enforcement Officer and a Member of _____

(NAME OF ENFORCEMENT AGENCY)

That on or about the _____ day of _____ 19____
A.M.
at _____ P.M. Location _____

I did request

NAME _____
(TYPE OR PRINT) FIRST MIDDLE OR MAIDEN LAST
DRIVER LICENSE NO. _____
DATE OF BIRTH _____ MONTH DAY YEAR RACE _____ SEX _____

to submit to a breath test to determine the breath alcohol level. I did
inform said person that a refusal to submit to such test will result in the
suspension of the privilege to operate a motor vehicle for a period of 1
year for a first refusal, or for a period of 18 months if the privilege had
been suspended for a prior refusal to submit to a breath, blood or urine
test.

Said person did at that time and place refuse to submit to a breath test.

(AFFIX SEAL) THIS AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO
[F. S. 117.14]
The foregoing instrument was acknowledged before
me on this _____ day of _____
19____ by _____
Who is personally known to me or who has produced
as identification. _____
SIGNATURE OF ATTESTING OFFICER OR
NOTARY PUBLIC
TITLE _____
DATE _____

NOTE: Mail or hand deliver to the designated DHSMV hearing office, Department of Highway Safety & Motor
Vehicles, with the notice of Suspension.

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DIVISION OF DRIVER LICENSES
NOTICE OF SUSPENSION

COUNTY		<input type="checkbox"/> P.H.P. <input type="checkbox"/> P.D. <input type="checkbox"/> S.O. <input type="checkbox"/> OTHER	
CITY (IF APPLICABLE)			
DAY OF WEEK	MONTH	DAY	YEAR
NAME (FIRST, MIDDLE, LAST)		AGENCY	
IF PREVIOUSLY SUSPENDED, CHECK HERE			
CITY		STATE	ZIP CODE
DATE OF BIRTH	MO	DAY	YEAR
SEX	HT	WT	HAIR
DRIVER'S LICENSE NO.	STATE	CLASSIFICATION	EXPIRES
VEHICLE MAKE	MODEL	COLOR	YEAR
VEHICLE VIN NUMBER	STATE	VEHICLE REGISTRATION NO.	
VEHICLE LICENSE NO.			

EFFECTIVE THIS DATE YOUR DRIVING PRIVILEGE IS SUSPENDED FOR:

- BEING UNDER THE AGE OF 21 AND DRIVING OR IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE HAVING A BREATH ALCOHOL LEVEL OF 0.02 OR HIGHER. THIS SUSPENSION IS FOR A PERIOD OF 6 MONTHS FOR A FIRST VIOLATION, OR FOR A PERIOD OF 1 YEAR IF PREVIOUSLY SUSPENDED FOR DRIVING OR BEING IN PHYSICAL CONTROL OF A MOTOR VEHICLE WITH A BREATH ALCOHOL LEVEL OF 0.02 OR HIGHER. BREATH ALCOHOL LEVEL _____
- REFUSAL TO SUBMIT TO A BREATH TEST UNDER F. S. 322.2616. THIS SUSPENSION IS FOR A PERIOD OF ONE YEAR IF THIS IS THE FIRST REFUSAL OR 18 MONTHS IF PREVIOUSLY SUSPENDED FOR REFUSAL TO SUBMIT TO A BREATH, BLOOD OR URINE TEST.
- NOTICE WAS HAND DELIVERED TO DRIVER ON _____ DATE _____

Licenses Surrendered? Yes No

Eligible for permit? Yes No

Unless ineligible, this suspension notice shall serve as a temporary driver's license and will expire at midnight on the 10th day following the date of the issuance of this notice.

At the _____ DHSMV hearing office, you may request within 10 calendar days after the issuance of this suspension notice, a review of the suspension by the Department of Highway Safety and Motor Vehicles. (See reverse side.)

SIGNATURE OF DRIVER

RANK AND SIGNATURE OF OFFICER BADGE# ID# TROOP/UNIT

WHITE - DHSMV HEARING OFFICER YELLOW - DRIVER'S COPY
 PINK - OFFICER'S AGENCY COPY

DHSMV 7150 (8/86)

FINAL ORDER

This serves as a notice of final order of license suspension effective on the date it was issued to you. You may request a formal or informal review of the suspension as follows:

INFORMAL REVIEW

If you want the department to conduct an informal review of this suspension, you must request such review at the location indicated on the reverse side. Your request must be submitted in writing within ten calendar days following the date of the notice of suspension, and include your complete name, address, date of birth, driver license number, residence and work telephone numbers, date of issuance of notice of suspension and county where the suspension occurred. This review shall consist solely of an examination of the materials submitted by you and the law enforcement officer or correctional officer.

FORMAL REVIEW

If you want to be heard or present witnesses in regard to this suspension, you must request a formal review at the location indicated on the reverse side. Your request must be submitted in writing within ten calendar days following the date of suspension and include your complete name, address, date of birth, driver license number, residence and work telephone numbers, date of issuance of notice of suspension and county where the suspension occurred. If you need reasonable facility accommodations due to a disability in order to appear for a review hearing, include this information in your request. You will be advised of the review hearing date.

As a result of the informal or formal review hearing, the hearing officer shall determine by a preponderance of the evidence whether sufficient cause exists to sustain, amend, or invalidate the suspension. Appeal of the Hearing Officer's decision may be initiated by filing a Petition for Writ of Certiorari to the Circuit Court within 30 calendar days of this order as specified in a 322.31 F. S.

FAILURE TO REQUEST A REVIEW WITHIN THE 10 DAY PERIOD SHALL RESULT IN THE WAIVER OF YOUR RIGHT TO A REVIEW OF THE SUSPENSION.

LOCATION OF DHSMV HEARING OFFICES

- | | |
|---|---|
| 1. Bradenton 34208-3200
1600 First Street West | 10. Palm Bay 32905-2513
3060 N. E. Dixie Hwy. |
| 2. Daytona Beach 32114-4618
999 Orange Ave | 11. Panama City 32406-5729
2809 West 15th Street # 104
Cedar Square |
| 3. Deland 32720-6899
709 S. Woodland Blvd | 12. Pensacola 32506-4217
4324 Lillian Highway |
| 4. Ft. Myers 33919-3504
4330 Presidential Ct., Suite C | 13. Tallahassee 32301-3817
504-A Capital Ct., S. E. |
| 5. Gainesville 32653-1755
5830 N. W. 34th Street Ext | 14. Tampa 33610-4479
2814 E. Hillsborough Ave. |
| 6. Jacksonville 32210-3522
7439 Wilson Blvd | 15. Vero Beach 32962-2901
104 South U S # 1 |
| 7. Lakeland 33801-3341
4265 New Tampa Hwy. #3 | 16. West Palm Beach 33406-7665
2330 S. Congress Ave. # 2E |
| 8. Landerhill 33313-5802
1225 N. W. 40th Ave.
Landerhill Mall | 17. Winter Park 32789-3007
940 West Canton Ave. |
| 9. Miami 33135-1422
2515 West Flagler Street | |

The documents listed on the cover sheet must be forwarded to one of the 17 hearing offices of the Department of Highway Safety and Motor Vehicles listed below within five calendar days after the date of issuance of the notice of suspension.

LOCATION OF DHSMV HEARING OFFICES

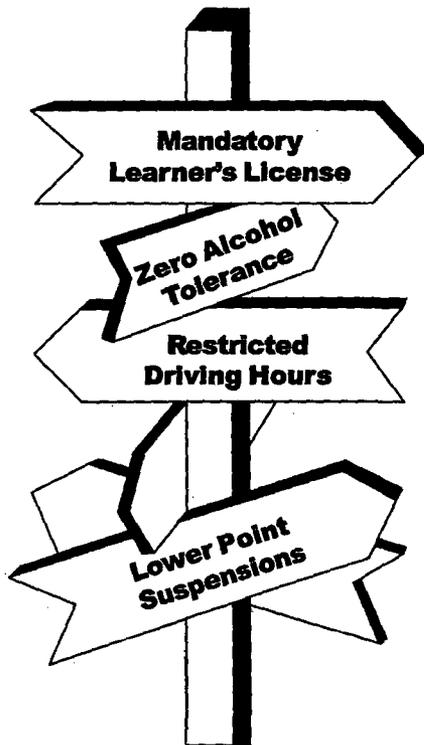
- | | |
|--|---|
| 1. Bradenton 34208-3200
1600 First Street West | 10. Palm Bay 32905-2513
3060 N. E. Dixie Hwy. |
| 2. Daytona Beach 32114-4618
995 Orange Ave | 11. Panama City 32406-5729
2809 West 15th Street # 104
Cedar Square |
| 3. Deland 32720-6899
709 S. Woodland Blvd | 12. Pensacola 32506-4217
4324 Lillian Highway |
| 4. Ft. Myers 33919-3504
6350 Presidential Ct. -Suite C | 13. Tallahassee 32301-3817
504-A Capital Cr. S. E. |
| 5. Gainesville 32653-1755
5830 N. W. 34th Street Ext | 14. Tampa 33610-4479
2814 E. Hillsborough Ave. |
| 6. Jacksonville 32210-3522
7439 Wilson Blvd | 15. Vero Beach 32962-2901
104 South U S # 1 |
| 7. Lakeland 33801-3341
4265 New Tampa Hwy. #3 | 16. West Palm Beach 33406-7665
2330 S. Congress Ave. # 2E |
| 8. Lauderhill 33313-5802
1225 N.W. 40th Ave.
Lauderhill Mall | 17. Winter Park 32789-3007
940 West Canton Ave. |
| 9. Miami 33135-1422
2515 West Flagler Street | |

Listed below is the appropriate city location of the DHSMV hearing office for each County wherein the suspension is issued. Upon determining the city location refer to the above listing for the complete address of the DHSMV Hearing Office.

COUNTY	CITY	COUNTY	CITY
Alachua	Gainesville	Lake	Winter Park
Baker	Gainesville	Lee	Ft. Myers
Bay	Panama City	Leon	Tallahassee
Bradford	Gainesville	Levy	Gainesville
Brevard	Palm Bay	Liberty	Tallahassee
Broward	Lauderhill	Madison	Tallahassee
Calhoun	Panama City	Manatee	Bradenton
Charlotte	Ft. Myers	Marion	Gainesville
Citrus	Lakeland	Martin	Vero Beach
Clay	Jacksonville	Monroe	Miami
Collier	Ft. Myers	Nassau	Jacksonville
Columbia	Gainesville	Okaloosa	Pensacola
Dade	Miami	Okeechobee	Vero Beach
De Soto	Bradenton	Orange	Winter Park
Dixie	Gainesville	Osceola	Winter Park
Duval	Jacksonville	Palm Beach	West Palm Beach
Escambia	Pensacola	Pasco	Tampa
Flagler	Daytona Beach	Pinellas	Tampa
Franklin	Tallahassee	Polk	Lakeland
Gadsden	Tallahassee	Putnam	Deland
Gilchrist	Gainesville	St. Johns	Jacksonville
Glades	Ft. Myers	St. Lucie	Vero Beach
Gulf	Panama City	Santa Rosa	Pensacola
Hamilton	Gainesville	Sarasota	Bradenton
Hardee	Bradenton	Seminole	Daytona Beach
Hendry	Ft. Myers	Sumter	Winter Park
Hernando	Lakeland	Suwannee	Gainesville
Highlands	Bradenton	Taylor	Tallahassee
Hillsborough	Tampa	Union	Gainesville
Holmes	Panama City	Volusia	Deland
Indian River	Vero Beach	Wakulla	Tallahassee
Jackson	Panama City	Walton	Pensacola
Jefferson	Tallahassee	Washington	Panama City
Lafayette	Gainesville		

Florida's Graduated Licensing Program

Providing inexperienced drivers
the right direction towards good
driving skills and behaviors.



Florida Department of Highway Safety
and Motor Vehicles
<http://www.hsmv.state.fl.us>

Florida's Teenage Driving Laws

For 15, 16, and 17 year old drivers there is:

- a mandatory six month learner's license,
- driving time restrictions,
- restricted driving privileges with four points or more on their driving record in a 12-month period,
- zero tolerance alcohol levels for drivers until they are 21, and

Six Month Learner's License: All drivers 15 to 17 years old, must keep their learner's license for at least six months before they can apply for an operator's license. A learner's license allows driving only during daylight hours for the first three months with a licensed driver, 21 years or older, in the front passenger seat. After three months, the driver may drive until 10 p.m. with a licensed driver, 21 years or older, in the front passenger seat.

Time Restrictions: Florida law restricts driving times for 16 and 17 year old drivers. Unless accompanied by a licensed driver 21 years or older in the front passenger seat, a 16-year old may not drive between 11 p.m. and 6 a.m. unless they are going to or coming home from work. For 17-year old drivers, the restricted hours are from 1 a.m. and 5 a.m.

Point Suspensions: Drivers 15, 16 or 17 years old, who accumulate 4 points on their driving record in a 12-month period, will have their driving privilege is restricted to business purposes only for 12 months. If additional points are received during this restricted period, their license is restricted an additional 90 days for each additional point.

Zero Tolerance: Any driver under 21 years old who has a breath alcohol level of .02 will automatically have their driving privilege suspended for 6 months. This is an administrative suspension and does not reflect as a DUI on the driver's record. If the driver refuses to take a test, their driving privilege is automatically suspended for 1 year.

Seat Belt Use: It is mandatory for any passenger under the age of 17, to wear a seat belt in both the front and back seat of a vehicle.

MAINE



DAN A GWADOSKY
SECRETARY OF STATE

State of Maine
Department of State
BUREAU OF MOTOR VEHICLES
AUGUSTA, MAINE 04893

LAW ENFORCEMENT OFFICER'S REPORT TO THE SECRETARY OF STATE

NAME _____	DATE of OFFENSE _____
ADDRESS _____	TIME of OFFENSE _____
D.O.B. _____	PLACE of OFFENSE _____
BA CONCENTRATION 0. _____ %	

THE ABOVE NAMED PERSON OPERATED OR ATTEMPTED TO OPERATE (check all boxes that apply):

- BAC .08 a motor vehicle while having 0.08% or more by weight of alcohol in the blood.
- BAC .05 a motor vehicle while having 0.05% or more by weight of alcohol in the blood with a conditional license
COND LIC (Check this box for person issued a conditional license prior to July 5, 1995).
- ANY ALC a motor vehicle while having any amount of alcohol in the blood with a conditional license
COND (Check this box for person issued a conditional license after July 4, 1995).
- PASS- a motor vehicle with a passenger under 21 years of age.
21 YRS
- BAC .04 a commercial motor vehicle while having 0.04% or more by weight of alcohol in the blood.
CMV
- BAC .04 a commercial motor vehicle containing hazardous materials while having 0.04% or more by weight of alcohol in
HAZ MAT the blood.
- ANY ALC a motor vehicle while having any amount of alcohol in the blood while under 21 years of age.
MINOR
- FATAL a motor vehicle involved in an accident where a death has or will occur.

OFFICER'S STATEMENT OF PROBABLE CAUSE:

(continue statement on reverse)

NOTE - If a chemical test is taken using a breathalyzer, the certified results must accompany this form.

Sworn before me under oath:

Notary Public

Signature of Officer

Dated: _____

Officer's Name Printed or Typed

End Commission date: _____

Department of Officer

THIS FORM MUST BE RETURNED TO THE SECRETARY OF STATE IMMEDIATELY
Inquiries: Telephone 624-9000 ext. 52166

LAW ENFORCEMENT OFFICER'S REPORT RELATING TO IMPLIED CONSENT

NAME _____	DATE of OFFENSE _____
ADDRESS _____	TIME of OFFENSE _____
D.O.B. _____	PLACE of OFFENSE _____

1. By operating or attempting to operate a motor vehicle in this State you have a duty to submit to and complete chemical tests to determine your blood-alcohol level and drug concentration.
2. I will give you a breath test unless I decide it is unreasonable, in which case another chemical test will be given. If you are requested to take a blood test you may ask that your physician perform the test if your physician is reasonably available.
3. If you fail to comply with your duty to submit to and complete chemical tests, your driver's license or permit or right to apply for or obtain a license, will be suspended for a period up to 6 years. Your failure to submit to a chemical test is admissible against you at any trial for operating while under the influence of intoxicating liquor or drugs. If you are convicted of operating while under the influence of intoxicating liquor or drugs, your failure to submit to a chemical test will be considered an aggravating factor at sentencing which, in addition to other penalties, will subject you to a mandatory minimum period of incarceration.
4. If you are 21 or older, an additional 275 days of suspension will be imposed if you had a passenger under 21 with you in the vehicle at the time of the offense. If you are less than 21 years old, an additional 180 days of suspension will be imposed if you had a passenger under 21 with you at the time of offense.

I have been advised of the consequences listed in paragraphs 3 and 4 above of failure to comply with the duty to submit to and complete a chemical test at the request of an officer and **DO NOT WISH TO SUBMIT TO A TEST.**

Signature of Person Refusing Test

TO THE SECRETARY OF STATE:

This officer had probable cause to believe that the above-named person was operating or attempting to operate (check all boxes that apply):

- OUI-ALC** a motor vehicle while under the influence of intoxicants.
- COND LIC** a motor vehicle while having any amount of alcohol in the blood with a conditional license, or while
- ANY ALC/BAC .05** having 0.05% or more by weight of alcohol in the blood with a conditional license issued prior to July 5, 1995.
- DRUGS** a motor vehicle while under the influence of drugs.
- BAC .04/CMV** a commercial motor vehicle while having 0.04% or more by weight of alcohol in the blood, or
- HAZ MAT** containing hazardous materials while having 0.04%.
- ANY ALC/MINOR** a motor vehicle while having any amount of alcohol in the blood while under 21 years of age.
- PASS< 21 YRS** a motor vehicle with a passenger under 21 years of age. (Check this box if the violation occurred after July 8, 1998.)
- FATAL** a motor vehicle involved in an accident where a death has or will occur.

A law enforcement officer informed the above-named person of the duty to submit and complete a chemical test and of the consequences of the failure to comply with that duty. The above-named person, after being informed, failed to submit to and complete a chemical test.

Sworn before me under oath:

Notary Public

Dated: _____

End Commission date: _____

Signature of Officer

Officer's Name Printed or Typed

Department of Officer

THIS FORM MUST BE RETURNED TO THE SECRETARY OF STATE IMMEDIATELY

OREGON

Put your agreement in writing and sign it — both of you. Take some time now to sit down, talk about what you expect of each other and write it out. If you make it a real contract between the two of you, your child will take it seriously.

Actions speak louder than words.

Talking with your kids is vitally important. But remember, your kids learn from what they see adults do, as well as what they hear them say. If an adult supplies alcohol to a minor, not only is it illegal, it also gives teens a message that breaking the law is okay.

Children learn by example. Think about how adults act when they've had a drink or two, and how you respond to your friends when they drink. Do you let them drive? Your influence can be greater than the influence of your child's peers. If you don't drink and drive, the chances are much greater that your children won't do it either.

Get involved.

Here are some ways you can help keep kids alive in Oregon:

1. Join volunteer groups, such as Mothers Against Drunk Driving (MADD) or Oregon Partnership.
2. Start to help out with information programs on alcohol and other drugs at your school's parent organization.
3. Form a parent network. Parents sign up for and agree to chaperone alcohol and drug-

free parties. Participating parents allow their children to go to parties on an approved party list only.

4. Help organize a graduation-night party that is free from alcohol and/or other drugs.
5. Sponsor parent/student workshops on alcohol and/or other drug awareness. Bring in a local "expert" to talk about the facts of alcohol and other drug abuse.
6. If you hear about a "kegger," call your local sheriff, police chief of the Oregon Liquor Control Commission's enforcement office at 872-5070.
7. Attend "Preparing for the Drug (Free) Years" training. Call the Oregon Prevention Resource Center for more information, (503) 872-5070.
8. Continue sober activities all year long.

Be the one they talk to.

Keep talking with your kids. They will need your guidance throughout their teenage years. The best way to keep teenagers from drinking and driving is to educate your kids to make the right decisions in tough situations. Instead of their friends. Instead of the police. They can do it—with your love and guidance.



Oregon Department of Human Resources Health Division

For more information, call the Health Division
at (503) 731-4241

Transportation Safety
Oregon Department of Transportation
toll-free at 1-800-922-2022,

or Oregon Prevention Resource Center
toll-free at 1-800-822-6772.

Talk with your kids before peer pressure talks for you.



737-3300(5-97)

Drinking and driving is the number one teenage killer. When it doesn't kill, it cripples. While your kids may or may not drink or take drugs, they're around kids who do. Remember what negative peer pressure was like when you were that age. Their friends influence them more than anyone—except you. So talk to your kids. Here's the information you need.

Power to the parents.

Driving is a privilege and a responsibility. If your son or daughter doesn't take it seriously, you must take serious action. Oregon law gives you the authority to take away your child's license if he or she is under 18, because in Oregon, we're serious about keeping kids alive.

If you think your teenager is not a safe driver whether it's because of alcohol, other drugs or reckless driving, you may write to DMV and withdraw your consent for your minor child to drive. It's as simple as that. Only the parent or guardian who consented to the minor's driver license may withdraw the consent. State in your letter:

I am withdrawing consent for my minor child to have a driver license, based on my judgement of his or her unsafe driving practices.

Be sure to include your child's name, date of birth and driver license number. Send the letter to:

DMV
1905 Lana Avenue, N.E.
Salem, Oregon 97314

You also have the right to restrict your child's driving, such as not allowing him or her to drive at night with more than one other person in the car. This restriction can reduce night-time fatalities.

A special kind of license for teenagers.

In Oregon, teens under 18 who apply for a driver license get a "provisional" license. It's like a test. If they pass, they can get a regular license when they turn 18. If your child is a safe driver, neither of you will notice the difference.

To receive a provisional license, teens must pass the standard driving test, plus an additional test on safe driving practices. The law makes penalties tougher for teenagers, too. After any violation, DMV sends a warning letter. After two violations, teens meet with a counselor to talk about ways to keep their license. After three violations, they lose their license until they successfully complete a remedial action plan (prescribed by the counselor) that may include restricted driving. After four violations, their license is suspended until after their 18th birthday. And after only one major violation (such as drinking and driving), teens lose their license until they are at least 18.

Zero's the limit.

If people under 21 are arrested for DUII and a breath test shows any alcohol at all, they will lose their license for at least 90 days. People of any age who refuse to take the breath test will lose their license for at least a year.

Those under 21 can also lose their license if they use a fake or forged license to misrepresent their age. For instance, if they are caught using an altered driver license to buy beer, DMV will take away the altered license, as well as their valid driver license, for one year.

How teens can lose their license before they even get it.

Teenagers 13 to 18 years old who are caught possessing or using alcohol or other drugs in cars or elsewhere can lose their license for at least one year. It doesn't make any difference if they were driving or if they don't yet have a license. For example, if they are caught when they are 14, they can't get their license until they are 17. This is called the juvenile denial law.

Not only is it embarrassing and inconvenient for you and them, violating this law can be expensive. Your teenager—or you—may have to pay a substantial fine, perform community service, or attend education and treatment courses in addition to the license privilege suspension. Parents are equally responsible to follow through on these penalties. And you can also be held liable for any damage your children cause.

Lay it on the line.

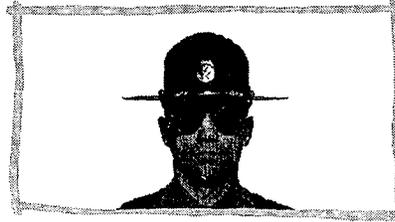
Drinking alcohol is illegal for minors. Using illegal drugs is against the law at any age. So is driving under the influence of alcohol or other drugs. Talk with your kids about it. Tell them that drinking and driving is unacceptable. Set rules and discuss them with your children. They can use these rules to make good, safe decisions, particularly when faced with peer pressure to drink or take drugs.

While talking with your children, encourage them to call you for a ride if someone who has used alcohol or other drugs wants to drive them somewhere. Make their safety your first concern.

- Have proper insurance. It's a lot cheaper to pay for insurance than to pay the fines if you're caught driving without it.
- Limit your late night driving. It's harder to see, you're usually tired and there are more drinking drivers on the road.
- If you are stopped by the police, here's what to do:

- Stay in your car unless the officer asks you to get out.
- Keep your hands on the steering wheel until the officer asks you to provide your license, registration and proof of insurance.
- Be polite. It could mean the difference between a ticket or just a warning.

It's your move.



You want to be treated like an adult. Maybe your parents say you're still a kid. The truth is, you have adult decisions to make. One of them is whether or not to drink or take other drugs and drive. Prove to yourself, your family and your friends that you can drive safely.

Oregon has tough traffic laws because we're serious about your safety. But it's up to you to make the right move.

*If you drink and drive,
the least you'll lose is
your license. Guaranteed.*

Oregon Department of Transportation
Transportation Safety
1-800-922-2022

737-3301(5-97)

Gotcha

Motor vehicle crashes are the number one killer of teenagers. Sometimes they are caused by drinking or using other drugs and driving, sometimes by reckless driving. And those crashes that don't kill, cripple.

That's why Oregon's laws about safety belts and driving under the influence of alcohol or other drugs are tough. They save lives. That's why Oregon's police are serious about enforcing them. And that's why there are Drug Recognition Experts (DREs), Oregon police specially trained to detect drivers under the influence of any drug, not only alcohol. Gotcha!

Grounded

It's illegal to drink until you're 21...but you know that. And you know it's illegal to use drugs like marijuana or cocaine at any age. So until you're 21, if a breath test shows you've had any alcohol at all, you'll automatically lose your license for at least 90 days. If you refuse a breath test, you'll lose your license for at least a year.

In Oregon, teenagers can lose their driver license before they even get it. If you're between 13 and 18 and get caught possessing or using alcohol or drugs, you can lose your license for at least a year, maybe longer. It doesn't matter if you were driving or not. Or if you have a license or not. That means if you're caught when you're 14, you can't get your license until you're 17. You're grounded. Is it worth it?

You also can lose your license if you use a fake or forged license to misrepresent your age. For instance, if you are caught using an altered driver license to buy beer, you'll not only have the altered license confiscated, your real driver license will be suspended for up to one year.

Take your license for a test drive

You wait a long time to turn 16 so you can get your license. But being a safe driver takes practice and good judgment — like deciding not to drink and drive. That's why people under 18 are required to take a safe driving practices test in addition to the standard test. If you pass them both, you will receive a provisional license.

If you're a safe driver, you won't even notice the difference between a provisional license and a regular license. If you're not, this law just might help keep you and your friends alive, because the law makes penalties tougher for teens:

- After just two violations, such as speeding or improper lane use, you'll have to meet with a driver improvement counselor to talk about ways to keep your license. After three violations, you will lose your license until you complete a driver improvement program. After four violations, you'll lose your license until you're at least 18.

- After one major violation, such as DUI (driving under the influence of intoxicants) or reckless driving, you'll lose your license until you're 18, in addition to any other penalties.

Play it safe

The best way to avoid problems with drinking and driving is to join the 40 percent of the population that doesn't drink. But even then, there may be times when you'll be in a situation in which someone — maybe you, maybe a friend — may try to drive after drinking or doing drugs. So...what do you do?

If you or the person driving has had anything to drink, play it safe. Spend the night at a friend's house. Get a ride home with someone who hasn't been drinking. Call a cab. Take a bus. Walk. Run. Just don't drink or take other drugs and then drive. And don't get in a car driven by anyone who has.

Here are some other ways to play it safe when you drive.

- Wear your safety belt and see that everyone else — in the front seat and back — does too. For one thing, it's the law. For another, safety belts save lives and help prevent serious injuries.
- If you're driving, you're in charge. You make the decisions about what's safe because it's your license at stake—not to mention the safety of everyone in the car.



IMPLIED CONSENT

COMBINED REPORT, NOTICE OF INTENT TO SUSPEND DRIVER, AND TEMPORARY DRIVER PERMIT
(ORS 813.100, 813.110, 813.120, 813.131, 813.410 and 813.300)

NAME OF DRIVER (PLEASE PRINT LAST, FIRST, MIDDLE)		DRIVER LICENSE/FILE REFERENCE NO.	STATE	DATE OF BIRTH
ADDRESS (CITY, STATE ZIP CODE)				
COUNTY OF ARREST			NEAREST CITY TO ARREST SITE	

You were arrested for driving under the influence of intoxicants (DUI) and you were asked to submit to a test under the Motorist Implied Consent Law.

At the time the request was made, there were reasonable grounds to believe that you were driving under the influence of intoxicants. Before being asked to submit to a test, you were informed of the required rights and consequences information by the reporting officer or _____.

You were given a copy of this form and the Commercial Driver License (CDL) Addendum, if applicable, as written notice. If requested, you were given a reasonable opportunity to contact counsel or others.

Your driving privileges will be suspended at 12:01 A.M. on the 30th day after the date of arrest (unless otherwise indicated) for the period of time and for the reason indicated below.

BREATH TEST FAILURE:

(.08% or greater; any amount if under age 21; or, .04% or greater if operating a commercial motor vehicle.)

You failed a breath test. The person administering the breath test was qualified under ORS 813.160 and the methods, procedures and equipment used in the test complied with ORS 813.160. The test was administered by the reporting officer or _____.

The instrument serial number is:

Your suspension for failing a breath test will be for:

- A. 90 days.
- B. 1 year, because you are subject to the increased provisions of ORS 813.430 (See paragraph (c) on back).
- C. No suspension of base driving privileges - CDL suspension only because the test result was .04% or greater but less than .08%. (See attached CDL addendum.)

TEST REFUSAL:

- D. You refused to submit to a **breath test**.
- E. You refused to submit to a **blood test** when receiving medical care in a health care facility immediately after a motor vehicle accident.
- F. You refused to submit to a **urine test**. You had been involved in an accident resulting in injury or property damage or you had already submitted to a breath test and the result was less than .08%. The officer who requested the urine test was certified by the Department of Public Safety Standards and Training as having completed 8 hours of training in recognition of drug impaired driving, and had reasonable suspicion that you had been driving while under the influence of a controlled substance or a controlled substance and intoxicating liquor. **NOTE:** The suspension will be consecutive to any other suspension imposed under the Motorist Implied Consent Law. The urine test was requested by the reporting officer or _____.

Your suspension for refusing a test(s) will be for:

- G. 1 year.
- H. 3 years, because you are subject to the increased provisions of ORS 813.430. (See paragraph (c) on back).

If the person was driving a commercial motor vehicle, complete and attach the CDL Implied Consent Addendum (Form 735-0075A), in addition to this form.

I affirm by my signature that the foregoing events occurred.

PRINT NAME AND AGENCY I.D. No. OF REPORTING OFFICER	AGENCY	TELEPHONE NUMBER
	BPSST#	

TEXAS

ZERO TOLERANCE

◆ Consumption While Driving ◆

It is illegal for a minor to drive while having any detectable amount of alcohol in the minor's system.

The following penalties shall be imposed:

First Offense:

Class C misdemeanor: \$0 - \$500
Alcohol awareness course
20-40 hours community service
60 days driver's license suspension
30 days ineligible for occupational license

Second Offense:

Class C misdemeanor: \$0 - \$500
Alcohol awareness course
40-60 hours community service
120 days driver's license suspension
90 days ineligible for occupational license

Third Offense (Under 17):

180 days driver's license suspension
Ineligible for occupational license
Juvenile court-delinquent conduct; or
Adult criminal court

Third Offense (17 or Older):

Class B misdemeanor: \$500 - \$2000 and/or
Confinement in jail up to 180 days
180 days driver's license suspension
Ineligible for occupational license

A public service message brought to you by the
Texas Alcoholic Beverage Commission (TABC) and
Texas Department of Transportation (Tx DOT).

YOU DRINK... YOU DRIVE... YOU WALK

ALCOHOLIC BEVERAGE LAWS FOR MINORS

- ◆ Purchase ◆ Attempt to Purchase ◆
- ◆ Possession ◆ Consumption ◆
- ◆ Misrepresentation of Age ◆
- ◆ Public Intoxication by Minor ◆

The following penalties shall be imposed:

First Offense:

Class C misdemeanor: \$0 - \$500
Alcohol awareness course
8-12 hours community service
30 days driver's license suspension or denial

Second Offense:

Class C misdemeanor: \$0 - \$500
Possible alcohol awareness course
20-40 hours community service
90 days driver's license suspension or denial

Third Offense (Under 17):

180 days driver's license suspension or denial
Juvenile court-child in need of supervision; or
Criminal court-adjudicated as an adult

Third Offense (17 or Older):

Class B misdemeanor: \$250 - \$2000 fine and/or
Confinement in jail up to 180 days
Possible alcohol awareness course
180 days driver's license suspension or denial

TEXAS ALCOHOLIC BEVERAGE COMMISSION
AND
TEXAS DEPARTMENT OF TRANSPORTATION

Full Name of Subject (print or type) _____ State, Drivers License/I.D. No. or None _____ Date of Birth _____

Home Address _____

Date of Arrest _____, Time of Arrest _____, City and County of Arrest _____

(If unlicensed: Race: _____ Sex: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____)

Your license, permit, or privilege to operate a motor vehicle will be suspended or denied, effective 40 days after the date you receive this notice (SEE REVERSE SIDE FOR LENGTH OF SUSPENSION), because you:

ADULT:
(21 or over) _____ REFUSED to provide a specimen or specimens of blood or breath following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated, while under the influence of alcohol, or while under the influence of a controlled substance as provided in Tex. Transp. Code Ann. Chapter 724.

_____ PROVIDED a specimen of blood or breath and an analysis of the specimen showed an alcohol concentration of a level specified in Section 49.01, Texas Penal Code, following an arrest for an offense involving the operation of a motor vehicle as provided in Tex. Transp. Code Ann. Chapter 524.

MINOR:
(Under 21) _____ REFUSED to provide a specimen or specimens of blood or breath following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated, while under the influence of alcohol, or while under the influence of a controlled substance as provided in Tex. Transp. Code Ann. Chapter 724.

_____ PROVIDED a specimen of blood or breath and an analysis of the specimen showed either an alcohol concentration of a level specified in Section 49.01, Texas Penal Code or a detectable amount of alcohol as specified in Tex. Alco. Bev. Code Ann. Section 106.041, following an arrest for an offense involving the operation of a motor vehicle as provided in Tex. Transp. Code Ann. Chapter 524.

_____ were arrested for an offense involving the operation of a motor vehicle as provided in Tex. Transp. Code Ann. Chapter 524 and WERE NOT REQUESTED TO SUBMIT to the taking of a specimen, as the presence of alcohol was detected or measured by other means.

You may request a hearing to contest the suspension or denial by calling (800)394-9913, faxing (512)424-2650 or writing Texas Department of Public Safety, Driver Improvement and Control, PO Box 4040, Austin, Texas 78765-4040. This request must be received by the Texas Department of Public Safety no later than 15 days after you receive or are presumed to have received notice of suspension or denial. For a hearing to be scheduled, all correspondence regarding your suspension must include the following information: Full name, date of birth, driver license number and state, current mailing address, home and daytime telephone numbers, date and county of arrest, arresting agency and arresting officer, whether the test was failed, refused or not requested and such other information as requested by the Department. Please specify if you wish to have a hearing by phone or in person. The hearing will be held in compliance with the provisions of Tex. Transp. Code Ann. Chapters 524 and 724, and the rules of procedure of the Texas Department of Public Safety and the State Office of Administrative Hearings. You will be notified of the date and time of the hearing, where to appear if you request an in person hearing or instructions for telephone hearing procedures.

If you choose not to request a hearing, you must surrender your license to the Texas Department of Public Safety, Driver Improvement and Control, PO Box 4040, Austin, Texas 78765-4040 within 40 days after you receive this notice. If you fail to surrender your license or fail to furnish an affidavit showing reason for your failure to surrender your license, charges will be filed, as provided by law.

Your driver license or driving privilege will continue to be suspended beyond the suspension period until a \$100 reinstatement fee is paid to the Department of Public Safety, Driver Improvement and Control, PO Box 15999, Austin, Texas 78761-5999, in addition to any other fees required by law.

I certify that I have personally served you with this notice of

suspension on _____
(Date Notice Served)

Officer's Signature _____

Printed Name _____

Agency _____

Address _____

Phone No. _____ Fax No. _____

Do not serve this Notice if blood results are pending.

FOR DIC USE ONLY

PERIODS OF SUSPENSION

ADULTS (over 21 years of age)

Refused to provide blood or breath specimen following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated, while under the influence of alcohol, or while under the influence of a controlled substance:

- 90 DAYS First Offense
- 180 DAYS If previously suspended for failing or refusing a blood or breath test with an arrest date of January 1, 1995 or after
- 1 YEAR If previously suspended for a DWI, Intoxication Assault or Intoxication Manslaughter conviction with an arrest date of January 1, 1995 or after

Provided blood or breath specimen with an alcohol concentration of a level specified in Section 49.01 Penal Code, following an arrest for an offense under Section 49.04, 49.07, or 49.08, Penal Code, involving the operation of a motor vehicle:

- 60 DAYS First Offense
- 120 DAYS If previously suspended for failing or refusing a blood or breath test with arrest date of January 1, 1995 or after
- 180 DAYS If previously suspended for a DWI, Intoxication Assault or Intoxication Manslaughter conviction with an arrest date of January 1, 1995 or after

MINORS (under 21 years of age)

Refused to provide blood or breath specimen following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated, while under the influence of alcohol, or while under the influence of a controlled substance:

- 120 DAYS First Offense
- 240 DAYS If previously suspended for failing or refusing a blood or breath test with an arrest date of January 1, 1995 or after
- 1 YEAR If previously suspended for a DWI, Intoxication Assault or Intoxication Manslaughter conviction with an arrest date of January 1, 1995 or after

Provided blood or breath specimen with either an alcohol concentration of a level specified in Section 49.01 Penal Code or a detectable amount of alcohol, following an arrest for an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07, or 49.08 Penal Code, involving the operation of a motor vehicle:

- 60 DAYS First Offense
- 120 DAYS If previously convicted of an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07 or 49.08 Penal Code, involving the operation of a motor vehicle
- 180 DAYS If previously convicted twice or more of an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07 or 49.08 Penal Code, involving the operation of a motor vehicle

Arrested for an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07 or 49.08 Penal Code, involving the operation of a motor vehicle, but not requested to provide a specimen, as the presence of alcohol was detected or measured by other means:

- 60 DAYS First Offense
- 120 DAYS If previously convicted of an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07 or 49.08 Penal Code, involving the operation of a motor vehicle
- 180 DAYS If previously convicted twice or more of an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07 or 49.08 Penal Code, involving the operation of a motor vehicle

DRIVER IMPROVEMENT & CONTROL — REINSTATEMENT OF LICENSE (ALR)

Driver License No. _____ DOB _____ SSN _____

Name _____

Address _____

The ALR law requires the payment of a \$100 reinstatement fee before the license can be restored. In order for the Department to correctly identify your file, please complete this form and return it to the Department at the following address: Texas Department of Public Safety, Driver Improvement & Control, PO Box 15999, Austin, Texas 78761-5999. Payment must be made in the form of a personal check, cashier's check or money order made payable to the Texas Department of Public Safety.

FOR DPS USE ONLY NUMBER _____

Full Name of Subject (print or type) State, Drivers License/I.D. No. or None Date of Birth

Home Address

Date of Arrest _____, Time of Arrest _____, City and County of Arrest _____

(If unlicensed: Race: _____ Sex: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____)

You are under arrest for an offense arising out of acts alleged to have been committed while you were operating a motor vehicle in a public place while intoxicated or an offense under Section 106.041, Alcoholic Beverage Code. You will be asked to give a specimen of your breath and/or blood. The specimen will be analyzed to determine the alcohol concentration or the presence of a controlled substance, drug, dangerous drug, or other substance in your body.

If you refuse to give the specimen, that refusal may be admissible in a subsequent prosecution. Your license, permit, or privilege to operate a motor vehicle will be suspended or denied for not less than ninety (90) days if you are 21 years of age or older, or not less than one hundred twenty (120) days if you are younger than 21 years of age, whether or not you are prosecuted for this offense.

If you are 21 years of age or older and submit to the taking of a specimen and an analysis of the specimen shows that you have an alcohol concentration of 0.10 or more, your license, permit or privilege to operate a motor vehicle will be suspended for not less than sixty (60) days, whether or not you are subsequently prosecuted for this offense.

If you are younger than 21 years of age and have any detectable amount of alcohol in your system, your license, permit or privilege to operate a motor vehicle will be suspended for not less than sixty (60) days. However, if you submit to the taking of a specimen and an analysis of the specimen shows that you have an alcohol concentration of less than 0.10, you may be subject to criminal penalties less severe than those provided for under Chapter 48, Penal Code.

You may request a hearing on the suspension or denial. This request must be received by the Texas Department of Public Safety at its headquarters in Austin, Texas, no later than 15 days after you receive or are presumed to have received notice of suspension or denial. The request can be made by written demand, fax, or other form prescribed by the Department.

I certify that I have informed you both orally and in writing of the consequences of refusing to submit to the taking of a specimen or providing a specimen; I have provided you with a complete and true copy of this statutory warning.

I am now requesting a specimen of your Breath Blood.

Subject refused to allow the taking of a specimen and further refused to sign below as requested by this officer.

OR

Subject refused to allow the taking of a specimen as evidenced by his/her signature below:

(Subject's signature)

I further certify that because you are a child as defined in Section 51.02, Family Code, the above request for a specimen and your response has been videotaped.

FOR DIC USE ONLY

Officer's Signature

Printed Name Badge or ID No.

Agency

Address